

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

SIXTY-NINTH DAY, THURSDAY, MAY 5, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Paul Woody, Staff of Representative Paul LeVota.

It helps, now and then, to step back and take a long view.

The kingdom is not only beyond our efforts, it is even beyond our vision.

We accomplish in our lifetime only a tiny fraction of the magnificent enterprise that is God's work. Nothing we do is complete, which is a way of saying that the kingdom always lies beyond us. No statement says all that could be said. No prayer fully expresses our faith. No confession brings perfection. No pastoral visit brings wholeness. No program accomplishes the church's mission. No set of goals and objectives includes everything.

This is what we are about. We plant the seeds that one day will grow. We water seeds already planted, knowing that they hold future promise.

We lay foundations that will need further development. We provide yeast that produces far beyond our capabilities. We cannot do everything and there is a sense of liberation in realizing that. This enables us to do something, and to do it very well. It may be incomplete, but it is a beginning, a step along the way, an opportunity for the Lord's grace to enter and do the rest.

We may never see the end results, but that is the difference between the master builder and the worker.

We are workers, not master builders; ministers, not messiahs. We are prophets of a future not our own.

Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Christopher James Kessler, Cory Lewis, Amanda Rhodes, Lloyd Byrd, Suzanne Myszkowski, Augusta Vinson, Makayla McGruder, Ellie McGruder, Olivia Huett, Jasmine Kille and Matt Henderson.

The Journal of the sixty-eighth day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2933 - Representative Portwood
House Resolution No. 2934 - Representative McGhee

House Resolution No. 2935
and
House Resolution No. 2936 - Representative Nieves
House Resolution No. 2937
and
House Resolution No. 2938 - Representative Nolte
House Resolution No. 2939
and
House Resolution No. 2940 - Representative Wasson
House Resolution No. 2941 - Representative Aull
House Resolution No. 2942 - Representative Tilley
House Resolution No. 2943 - Representative Kingery
House Resolution No. 2944 - Representative Lipke
House Resolution No. 2945
through
House Resolution No. 2957 - Representative Black
House Resolution No. 2958
through
House Resolution No. 2961 - Representative Lager
House Resolution No. 2962 - Representative Guest
House Resolution No. 2963 - Representative Viebrock
House Resolution No. 2964 - Representative Schaaf
House Resolution No. 2965 - Representative Wilson (119)
House Resolution No. 2966 - Representative Guest
House Resolution No. 2967 - Representative Baker (25)
House Resolution No. 2968 - Representative Donnelly
House Resolution No. 2969 - Representative Richard
House Resolution No. 2970 - Representative Brown (30)
House Resolution No. 2971 - Representative Nieves
House Resolution No. 2972 - Representative Bland

BILLS IN CONFERENCE

CCR SCS HCS HB 9, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **CCR SCS HCS HB 9** was adopted by the following vote:

AYES: 098

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Ice
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner

Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 062

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Meiners	Oxford	Page
Robinson	Roorda	Rucker	Salva	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Villa	Vogt	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean	Hubbard
------	---------

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HCS HB 9** was read the third time and passed by the following vote:

AYES: 098

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick

1504 *Journal of the House*

Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 062

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Meiners	Oxford	Page
Robinson	Roorda	Rucker	Salva	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Villa	Vogt	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean	Hubbard
------	---------

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

CCR SCS HCS HB 10, as amended, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **CCR SCS HCS HB 10, as amended**, was adopted by the following vote:

AYES: 088

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Goodman	Guest
Hobbs	Hunter	Icet	Jackson	Kelly
Kingery	Kraus	Lager	Lembke	Lipke
Marsh	May	McGhee	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Ruestman	Rupp	Sander	Sater	Schaaf
Schlottach	Self	Silvey	Smith 14	Smith 118
Stefanick	Stevenson	St. Onge	Sutherland	Threlkeld

Tilley	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 072

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Bruns	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Deeken	Donnelly	Dougherty	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kratky
Kuessner	Lampe	LeVota	Liese	Loehner
Low 39	Lowe 44	Meadows	Meiners	Moore
Oxford	Page	Robinson	Roorda	Rucker
Salva	Schad	Schneider	Schoemehl	Selby
Shoemyer	Skaggs	Spreng	Storch	Swinger
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean	Parker
------	--------

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HCS HB 10** was read the third time and passed by the following vote:

AYES: 086

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Davis
Day	Dempsey	Denison	Dethrow	Dixon
Dusenberg	Emery	Ervin	Faith	Fares
Flook	Franz	Goodman	Guest	Hobbs
Hunter	Icet	Jackson	Kelly	Kingery
Lager	Lembke	Lipke	Marsh	May
McGhee	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Ruestman	Rupp
Sander	Sater	Schaaf	Schlottach	Self
Silvey	Smith 14	Smith 118	Stefanick	Stevenson
St. Onge	Sutherland	Threlkeld	Tilley	Viebrock
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright 137	Wright 159	Yates
Mr Speaker				

1506 *Journal of the House*

NOES: 074

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Bruns	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrrough
Daus	Deeken	Donnelly	Dougherty	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Loehner	Low 39	Lowe 44	Meadows	Meiners
Moore	Oxford	Page	Parker	Robinson
Roorda	Rucker	Salva	Schad	Schneider
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean Fisher

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

CCR SCS HCS HB 11, as amended, relating to appropriations, was taken up by Representative Lager.

CCR SCS HCS HB 11, as amended, was laid over.

RECESS

On motion of Representative Dempsey, the House recessed until 1:30 p.m.

The hour of recess having expired, the House was called to order by Speaker Pro Tem Bearden.

BILLS IN CONFERENCE

CCR SCS HCS HB 11, as amended, relating to appropriations, was again taken up by Representative Lager.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 064

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	El-Amin	Fraser	George
Harris 23	Harris 110	Haywood	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Vogt	Wagner
Walsh	Walton	Whorton	Wildberger	Witte
Wright-Jones	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

1508 *Journal of the House*

On motion of Representative Lager, **CCR SCS HCS HB 11, as amended**, was adopted by the following vote:

AYES: 087

Avery	Baker 123	Bearden	Behnen	Bivins
Brown 30	Byrd	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Goodman	Guest	Hobbs
Hunter	Ice	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	May	McGhee	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parson	Pearce	Phillips	Pollock	Pratt
Quinn	Rector	Richard	Roark	Robb
Ruestman	Rupp	Sater	Schaaf	Schlottach
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 073

Aull	Baker 25	Black	Bland	Bowman
Boykins	Bringer	Brooks	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Deeken	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Moore	Oxford	Page
Parker	Portwood	Robinson	Roorda	Rucker
Salva	Sander	Schad	Schneider	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Villa	Vogt	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zweifel		

PRESENT: 001

Marsh

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HCS HB 11** was read the third time and passed by the following vote:

AYES: 089

Avery	Baker 123	Bearden	Behnen	Bivins
Brown 30	Byrd	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Day
Dempsey	Denison	Dethrow	Dixon	Dusenberg
Emery	Ervin	Faith	Fares	Fisher
Flook	Franz	Goodman	Guest	Hobbs
Hunter	Ice	Jackson	Johnson 47	Jones
Kelly	Kingery	Kraus	Lager	Lembke
Lipke	Loehner	May	McGhee	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Ruestman	Rupp	Sater	Schaaf
Schad	Schlottach	Self	Silvey	Smith 14
Smith 118	Stefanick	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wallace	Wasson
Wells	Weter	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 071

Aull	Baker 25	Black	Bland	Bowman
Boykins	Bringer	Brooks	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Deeken	Donnelly	Dougherty
El-Amin	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meadows	Meiners	Moore	Oxford	Page
Parker	Robinson	Roorda	Rucker	Salva
Sander	Schneider	Schoemehl	Selby	Shoemyer
Skaggs	Spreng	Storch	Swinger	Villa
Vogt	Wagner	Walsh	Walton	Whorton
Wildberger	Witte	Wright-Jones	Yaeger	Young
Zweifel				

PRESENT: 001

Marsh

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

CCR SCS HB 12, as amended, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **CCR SCS HB 12, as amended**, was adopted by the following vote:

AYES: 099

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Iceet	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 062

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	Lembke	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Vogt	Walsh
Walton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HB 12** was read the third time and passed by the following vote:

AYES: 099

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Hobbs	Hunter
Iceet	Jackson	Johnson 47	Jones	Kelly
Kingery	Kraus	Lager	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 062

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	El-Amin	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	Lembke	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Villa	Vogt	Walsh
Walton	Wildberger	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

CCR SCS HB 13, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **CCR SCS HB 13** was adopted by the following vote:

AYES: 109

Aull	Avery	Baker 123	Bearden	Behnen
Bivins	Black	Boykins	Brown 30	Bruns
Byrd	Chinn	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Goodman	Guest
Hobbs	Hunter	Ice	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Kuessner
Lager	Lembke	Lipke	Loehner	Marsh
May	McGhee	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Page
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Robinson	Rucker	Ruestman
Rupp	Sander	Sater	Schaaf	Schad
Schlottach	Schneider	Self	Silvey	Skaggs
Smith 14	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Threlkeld	Tilley	Viebrock	Wagner
Wallace	Wasson	Wells	Weter	Whorton
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright 137	Wright 159	Yates	Mr Speaker	

NOES: 052

Baker 25	Bland	Bowman	Bringer	Brooks
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Lampe	LeVota
Liese	Low 39	Lowe 44	Meadows	Meiners
Oxford	Roorda	Salva	Schoemehl	Selby
Shoemyer	Spreng	Storch	Swinger	Villa
Vogt	Walsh	Walton	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HB 13** was read the third time and passed by the following vote:

AYES: 108

Aull	Avery	Baker 123	Bearden	Behnen
Bivins	Black	Boykins	Brown 30	Bruns
Byrd	Chinn	Cooper 120	Cooper 155	Cooper 158
Cunningham 145	Cunningham 86	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Dusenberg	Emery	Ervin	Faith	Fares
Fisher	Flook	Franz	Goodman	Guest
Hobbs	Hunter	Ice	Jackson	Johnson 47
Jones	Kelly	Kingery	Kraus	Lager
Lembke	Lipke	Loehner	Marsh	May
McGhee	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Rucker	Ruestman	Rupp
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Self	Silvey	Skaggs	Smith 14
Smith 118	Stefanick	Stevenson	St. Onge	Sutherland
Threlkeld	Tilley	Viebrock	Wagner	Wallace
Wasson	Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 053

Baker 25	Bland	Bowman	Bringer	Brooks
Brown 50	Burnett	Casey	Chappelle-Nadal	Corcoran
Curls	Darrough	Daus	Donnelly	El-Amin
Fraser	George	Harris 23	Harris 110	Haywood
Henke	Hoskins	Hubbard	Hughes	Johnson 61
Johnson 90	Jolly	Kratky	Kuessner	Lampe
LeVota	Liese	Low 39	Lowe 44	Meadows
Meiners	Oxford	Roorda	Salva	Schoemehl
Selby	Shoemyer	Spreng	Storch	Swinger
Villa	Vogt	Walsh	Walton	Wright-Jones
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 001

Bean

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 19**, entitled:

An act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.

In which the concurrence of the House is respectfully requested.

HOUSE BILL WITH SENATE AMENDMENT

SCS HCS HB 19, relating to appropriations, was taken up by Representative Lager.

Representative Lager moved that **SCS HCS HB 19** be adopted.

Representative Salva made a substitute motion that the House refuse to adopt **SCS HCS HB 19** and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was defeated.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Silvey	Smith 14	Smith 118	Stefanick
Stevenson	St. Onge	Sutherland	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 063

Aull	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Casey
Chappelle-Nadal	Corcoran	Curls	Darrough	Daus
Donnelly	Dougherty	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Johnson 61	Johnson 90	Jolly	Kratky
Kuessner	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Meiners	Oxford	Page
Robinson	Roorda	Rucker	Salva	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Villa	Vogt	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Yaeger	Young	Zweifel		

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean El-Amin

VACANCIES: 001

On motion of Representative Lager, **SCS HCS HB 19** was adopted by the following vote:

AYES: 083

Baker 123	Bearden	Behnen	Black	Brown 30
Bruns	Byrd	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Deeken
Dempsey	Denison	Dethrow	Dixon	Emery
Ervin	Faith	Fares	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Ice
Johnson 47	Jones	Kelly	Kingery	Lager
Lembke	Lipke	Loehner	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schad	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Stefanick	Stevenson
St. Onge	Sutherland	Threlkeld	Viebrock	Wallace
Wasson	Weter	Wilson 119	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 077

Aull	Avery	Baker 25	Bivins	Bland
Bowman	Boykins	Bringer	Brooks	Brown 50
Burnett	Casey	Chappelle-Nadal	Corcoran	Curls
Darrough	Daus	Day	Donnelly	Dougherty
Dusenberg	Fisher	Fraser	George	Harris 23
Harris 110	Haywood	Henke	Hoskins	Hubbard
Hughes	Jackson	Johnson 61	Johnson 90	Jolly
Kratky	Kraus	Kuessner	Lampe	LeVota
Liese	Low 39	Lowe 44	Marsh	Meadows

1516 *Journal of the House*

Meiners	Oxford	Page	Pollock	Portwood
Robinson	Roorda	Rucker	Salva	Schaaf
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Swinger	Tilley	Villa	Vogt
Wagner	Walsh	Walton	Wells	Whorton
Wildberger	Wilson 130	Witte	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean El-Amin

VACANCIES: 001

On motion of Representative Lager, **SCS HCS HB 19** was truly agreed to and finally passed by the following vote:

AYES: 082

Baker 123	Bearden	Behnen	Black	Brown 30
Bruns	Byrd	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Cunningham 86	Davis	Deeken
Dempsey	Denison	Dethrow	Dixon	Emery
Ervin	Faith	Fares	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Johnson 47	Jones	Kelly	Kingery	Lager
Lembke	Lipke	Loehner	May	McGhee
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Parker	Parson	Pearce
Phillips	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schad	Schlottach	Schneider	Self
Silvey	Smith 14	Smith 118	Stefanick	Stevenson
St. Onge	Sutherland	Threlkeld	Viebrock	Wallace
Wasson	Weter	Wilson 119	Wood	Wright 137
Wright 159	Mr Speaker			

NOES: 077

Aull	Avery	Baker 25	Bivins	Bland
Bowman	Bringer	Brooks	Brown 50	Burnett
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Day	Donnelly	Dougherty	Dusenberg
Fisher	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Jackson	Johnson 61	Johnson 90	Jolly	Kratky
Kraus	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Marsh	Meadows	Meiners
Oxford	Page	Pollock	Portwood	Robinson
Roorda	Rucker	Salva	Schaaf	Schoemehl
Selby	Shoemyer	Skaggs	Spreng	Storch
Swinger	Tilley	Villa	Vogt	Wagner

Walsh	Walton	Wells	Whorton	Wildberger
Wilson 130	Witte	Wright-Jones	Yaeger	Yates
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean	Boykins	El-Amin
------	---------	---------

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

PERFECTION OF HOUSE BILL

HCS HB 859, relating to prescription drugs from Canada, was taken up by Representative Jetton.

On motion of Representative Jetton, **HCS HB 859** was adopted.

On motion of Representative Jetton, **HCS HB 859** was ordered perfected and printed.

HCS HB 491, relating to the Missouri State Park Board, was taken up by Representative McGhee.

Representative Cooper (120) assumed the Chair.

Speaker Jetton assumed the Chair

Representative Vogt offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 491, Section 253.414, Page 5, Line 34, by inserting after all of said line the following:

“4. No historic property shall allow the public display of any symbol that represents any sovereign nation that waged war within the state of Missouri and caused the deaths of Missouri citizens who remained loyal to the United States of America at the time of such war.”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Dempsey moved the previous question.

Which motion was adopted by the following vote:

AYES: 095

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
May	McGhee	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Robb
Ruestman	Rupp	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Self	Silvey
Smith 14	Smith 118	Stefanick	Stevenson	St. Onge
Sutherland	Threlkeld	Tilley	Viebrock	Wallace
Wasson	Wells	Weter	Wilson 119	Wilson 130
Wood	Wright 137	Wright 159	Yates	Mr Speaker

NOES: 055

Aull	Baker 25	Bland	Bowman	Bringer
Brooks	Brown 50	Burnett	Casey	Chappelle-Nadal
Corcoran	Curls	Darrough	Daus	Donnelly
Dougherty	Fraser	George	Harris 23	Harris 110
Haywood	Henke	Hoskins	Hubbard	Hughes
Johnson 61	Johnson 90	Jolly	Kratky	Kuessner
Lampe	LeVota	Liese	Low 39	Lowe 44
Meiners	Oxford	Page	Robinson	Rucker
Schoemehl	Selby	Skaggs	Spreng	Storch
Villa	Vogt	Wagner	Walsh	Walton
Whorton	Witte	Wright-Jones	Yaeger	Young

PRESENT: 000

ABSENT WITH LEAVE: 012

Bean	Boykins	El-Amin	Marsh	Meadows
Roark	Roorda	Salva	Shoemyer	Swinger
Wildberger	Zweifel			

VACANCIES: 001

Representative Vogt moved that **House Amendment No. 1** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Avery	Baker 25	Bland	Bowman	Boykins
Bringer	Brooks	Brown 50	Burnett	Byrd
Casey	Chappelle-Nadal	Corcoran	Curls	Darrough
Daus	Day	Dixon	Donnelly	Fares
Flook	Fraser	George	Guest	Harris 23
Haywood	Hoskins	Hubbard	Hughes	Johnson 47
Johnson 61	Johnson 90	Jolly	Kratky	Kraus
Lampe	LeVota	Liese	Low 39	Lowe 44
Meiners	Muschany	Oxford	Page	Parker
Rucker	Rupp	Schaaf	Schoemehl	Selby
Skaggs	Spreng	St. Onge	Storch	Villa
Vogt	Walsh	Walton	Wildberger	Wright-Jones
Young				

NOES: 077

Baker 123	Bearden	Behnen	Bivins	Black
Brown 30	Bruns	Chinn	Cooper 120	Cooper 155
Cooper 158	Cunningham 145	Davis	Deeken	Dempsey
Denison	Dethrow	Dusenberg	Emery	Ervin
Faith	Fisher	Franz	Goodman	Harris 110
Hobbs	Hunter	Ice	Jackson	Jones
Kelly	Kingery	Kuessner	Lager	Lembke
Lipke	Loehner	May	McGhee	Moore
Munzlinger	Myers	Nance	Nieves	Nolte
Parson	Pearce	Phillips	Pollock	Pratt
Quinn	Rector	Richard	Robb	Ruestman
Sander	Sater	Schad	Schlottach	Schneider
Self	Smith 14	Smith 118	Stevenson	Tilley
Viebrock	Wagner	Wallace	Wasson	Wells
Weter	Whorton	Wilson 130	Witte	Wright 159
Yates	Mr Speaker			

PRESENT: 012

Aull	Cunningham 86	Dougherty	Henke	Robinson
Silvey	Stefanick	Sutherland	Threlkeld	Wilson 119
Wood	Yaeger			

ABSENT WITH LEAVE: 012

Bean	El-Amin	Marsh	Meadows	Portwood
Roark	Roorda	Salva	Shoemyer	Swinger
Wright 137	Zweifel			

VACANCIES: 001

Representative Bowman requested a division of the question on **HCS HB 491**.

Representative Hoskins offered **House Amendment No. 1 to Part I.**

House Amendment No. 1

AMEND Part I of House Committee Substitute for House Bill No. 491, Page 2, Section 253.411, Lines 16 & 41, by deleting the word “Flag”; and

Further amend said bill by amending the title, enacting clause and intersectional references accordingly.

Representative Hoskins moved that **House Amendment No. 1 to Part I** be adopted.

Which motion was defeated by the following vote:

AYES: 059

Baker 25	Bland	Bowman	Boykins	Bringer
Brooks	Brown 50	Burnett	Byrd	Casey
Chappelle-Nadal	Cooper 155	Corcoran	Curls	Darrough
Daus	Donnelly	Ervin	Fares	Flook
Fraser	George	Harris 23	Haywood	Hoskins
Hubbard	Hughes	Johnson 47	Johnson 61	Johnson 90
Kratky	Kraus	Lampe	LeVota	Liese
Low 39	Lowe 44	Meiners	Oxford	Page
Parker	Rucker	Rupp	Schaaf	Schoemehl
Selby	Silvey	Skaggs	Spreng	St. Onge
Storch	Villa	Vogt	Walsh	Walton
Wildberger	Wright-Jones	Yaeger	Young	

NOES: 082

Avery	Baker 123	Bearden	Behnen	Bivins
Brown 30	Bruns	Chinn	Cooper 120	Cooper 158
Cunningham 145	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Dusenberg
Emery	Faith	Fisher	Franz	Goodman
Guest	Harris 110	Hobbs	Hunter	Icet
Jackson	Jones	Kelly	Kingery	Kuessner
Lager	Lembke	Lipke	Loehner	May
McGhee	Moore	Munzlinger	Nance	Nieves
Parson	Pearce	Phillips	Pollock	Pratt
Quinn	Rector	Richard	Roark	Robb
Robinson	Ruestman	Sander	Sater	Schad
Schlottach	Schneider	Self	Smith 14	Smith 118
Stefanick	Stevenson	Sutherland	Threlkeld	Viebrock
Wagner	Wallace	Wasson	Wells	Weter
Whorton	Wilson 119	Wilson 130	Witte	Wright 159
Yates	Mr Speaker			

PRESENT: 010

Aull	Cunningham 86	Henke	Jolly	Meadows
Muschany	Nolte	Roorda	Tilley	Wood

ABSENT WITH LEAVE: 011

Bean	Black	El-Amin	Marsh	Myers
Portwood	Salva	Shoemyer	Swinger	Wright 137
Zweifel				

VACANCIES: 001

HCS HB 491, with Part I, Part II and Part III, pending, was laid over.

Representative Behnen assumed the Chair.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 58**, entitled:

An act to repeal sections 44.090, 49.093, 49.272, 50.343, 50.530, 50.760, 50.770, 50.780, 52.317, 54.010, 54.280, 54.320, 54.330, 55.160, 59.005, 64.215, 65.110, 65.160, 65.460, 65.490, 65.600, 67.469, 67.1003, 67.1062, 67.1067, 67.1069, 67.1070, 67.1350, 67.1401, 67.1451, 67.1754, 67.1775, 67.1850, 71.794, 82.291, 82.1025, 94.270, 94.700, 100.050, 100.059, 105.711, 115.019, 136.010, 136.160, 137.078, 137.115, 137.465, 137.585, 137.720, 138.100, 139.040, 139.055, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 140.150, 165.071, 190.010, 190.015, 190.090, 190.292, 190.335, 205.010, 210.860, 210.861, 217.905, 231.444, 233.295, 242.560, 245.205, 247.060, 247.180, 249.1152, 249.1154, 250.140, 263.245, 278.240, 301.025, 320.121, 321.120, 321.190, 321.322, 321.603, 349.045, 447.620, 447.622, 447.625, 447.640, 473.770, 473.771, 488.2220, 559.607, RSMo, and section 137.130 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and as enacted by conference committee substitute for house committee substitute for senate bill no. 219, ninetieth general assembly, first regular session, and to enact in lieu thereof one hundred thirty-three new sections relating to political subdivisions, with penalty provisions and an emergency clause for a certain section.

With Senate Amendment No. 1, Senate Amendment No. 3, Senate Amendment No. 4, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 8, Senate Amendment No. 10, Senate Amendment No. 11, Senate Amendment No. 12, Senate Amendment No. 13, Senate Amendment No. 14, Senate Amendment No. 15, Senate Amendment No. 16, Senate Amendment No. 17, Senate Amendment No. 18, Senate Amendment No. 19, Senate Amendment No. 20, Senate Amendment No. 21, Senate Amendment No. 22, Senate Amendment No. 23, Senate Amendment No. 25, Senate Amendment No. 26, Senate Amendment No. 27, Senate Amendment No. 28, Senate Amendment No. 29, Senate Amendment No. 30, Senate Amendment No. 31, Senate Amendment No. 32, Senate Amendment No. 33, Senate Amendment No. 35, Senate Amendment No. 36, Senate Amendment No. 37, Senate Amendment No. 38 and Senate Amendment No. 39.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 81, Section 94.270, Line 8, by inserting after all of said line the following:

“94.660. 1. The governing body of any city not within a county and any county of the first classification having a charter form of government with a population of over nine hundred thousand inhabitants may propose, by ordinance or order, a transportation sales tax of up to [one-half of] one percent for submission to the voters of that city or county at an authorized election date selected by the governing body.

2. Any sales tax approved under this section shall be imposed on the receipts from the sale at retail of all tangible personal property or taxable services within the city or county adopting the tax, if such property and services are subject to taxation by the state of Missouri under sections 144.010 to 144.525, RSMo.

3. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the county/city of(county's or city's name) impose a county/city-wide sales tax of percent for the purpose of providing a source of funds for public transportation purposes?

☐ YES

☐ NO

Except as provided in subsection 4 of this section, if a majority of the votes cast in that county or city not within a county on the proposal by the qualified voters voting thereon are in favor of the proposal, then the tax shall go into effect on the first day of the next calendar quarter beginning after its adoption and notice to the director of revenue, but no sooner than thirty days after such adoption and notice. If a majority of the votes cast in that county or city not within a county by the qualified voters voting thereon are opposed to the proposal, then the additional sales tax shall not be imposed to the proposal, then the additional sales tax shall not be imposed in that county or city not within a county unless and until the governing body of that county or city not within a county shall have submitted another proposal to authorize the local option transportation sales tax authorized in this section, and such proposal is approved by a majority of the qualified voters voting on it. In no event shall a proposal pursuant to this section be submitted to the voters sooner than twelve months from the date of the last proposal.

4. No tax shall go into effect under this section in any city not within a county or any county of the first classification having a charter form of government with a population over nine hundred thousand inhabitants unless and until both such city and such county approve the tax.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "County Public Transit Sales Tax Trust Fund". The sales taxes shall be collected as provided in section 32.087, RSMo, The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax, and such funds shall be deposited with the treasurer of each such city or county and all expenditures of funds arising from the county public transit sales tax trust fund shall be by an appropriation act to be enacted by the governing body of each such county or city not within a county.

6. The revenues derived from any transportation sales tax under this section shall be used only for the planning, development, acquisition, construction, maintenance and operation of public transit facilities and systems other than highways.

7. The director of revenue may authorize the state treasurer to make refunds from the amount in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities and counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting after all of said line the following:

"409.107. [No] Any investment firm[, legal] offering municipal bond underwriting of financial advisory services or any law firm offering bond counsel services, or any persons having an interest in any such firms shall [be involved in any manner in the issuance of bonds authorized by an election in which the firm or person made any contribution of any kind whatsoever to any campaign in support of the bond election] limit their contributions in the campaign in support of a general obligation bond election to an in-kind nature consisting of organization

suggestions, promotional materials development, preparation of suggested election strategies, attendance at public forums to answer questions regarding the financing and legal issues involved, and other activities that do not involve any direct financial contributions.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 181, Section 198.345, Line 24 of said page, by striking “assisted living facilities” and inserting in lieu thereof the following:

“apartments for seniors that provide at a minimum housing, food services, and emergency call buttons to the apartment residents”; and

Further amend said bill and section, Page 182, Line 2 of said page, by striking the following:

“For purposes”; and

Further amend Lines 3-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

“Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.”.

Senate Amendment No. 5

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26 of said page by inserting after all of said line the following:

“393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation[, municipality, or public water supply district established under chapter 247, RSMo,] to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until thirty days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation[, municipality or public water supply district] is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation[, municipality or public water supply district] to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation[, municipality or public water supply district] shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. A water corporation[, municipality, or public water supply district] acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation[, municipality, or public water supply district], in which case the water corporation[, municipality, or public water supply district] shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation[, municipality or public water supply district] shall be reimbursed by the sewer corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.

393.016. 1. Notwithstanding any other provision of law, any municipality providing water, or any water district established under chapter 247, RSMo, which in this section shall sometimes be designated as a water provider, shall upon request of any municipality providing sewer service or public sewer district established under chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized under constitutional authority, which in this section shall sometimes be designated as a sewer provider,

contract with such sewer provider to terminate water services to any water user of such water provider for nonpayment of a delinquent sewer bill owed to such sewer provider.

2. Any water provider, or independent contractor acting for a water provider, acting under a contract with a sewer provider under this section shall be exempt from all civil liability whatsoever arising from or related to termination of water services under any such contract.

3. In the event that any water provider and any sewer provider are unable to reach an agreement as provided in this section within six months of the receipt of such request by the water provider, then the sewer provider making the written request may file with the circuit court in which such water provider was incorporated, or if such water provider was not incorporated by a circuit court, then with a circuit court having jurisdiction of the water provider, a petition requesting that three commissioners be selected to draft such an agreement.

4. Any agreement drafted by the commissioners or entered into under this section shall contain the following provisions:

(1) The rules and regulations or ordinances of the sewer provider shall provide that the number of days of delinquency required before water service is discontinued for failure to pay for sewage service shall be equal to the number of days of delinquency required before water service is discontinued for failure to pay for water service under the rules and regulations of the water provider;

(2) The water provider shall not be required to discontinue water service to the sewer user for failure to pay the charges or rental due therefor unless the sewer provider shall first give a written notice to the water provider to do so. Such notice shall include the due date, amount of the delinquent bill, and all penalties and interest thereon. When payment of such amount is received by the water provider the provider shall restore water service to the water and sewer user, provided the water bill of such user owed to the water provider is not delinquent;

(3) The sewer provider shall at all times keep in force a general comprehensive public liability and property damage policy issued by a company authorized to do business in Missouri with policy limits equal to or in excess of those set forth in section 537.610, RSMo, shall include the water provider and any independent contractor who performs such agreement under contract with the water provider thereon as an additional insured, and shall furnish the water provider and such independent contractor a certificate of insurance evidencing such insurance is in effect. If at any time it fails to do so and furnish such certificate of insurance to the water provider and such independent contractor, the water provider and such independent contractor may cease to make water service terminations until such requirement is satisfied.

(4) The agreement shall provide that any loss of revenue incurred by the water provider as a result of discontinuing water service because of the failure of any sewage user to pay the charges or rental therefor shall be paid to the water provider by the sewer provider. Such amounts include, but are not limited to, loss of revenue by the water provider caused by disconnection of water service for a sewer bill delinquency when the water bill is not delinquent;

(5) When a water provider is collecting delinquent amounts for both the water and sewer service, all delinquent payments due to both the water and sewer provider shall be received by the water provider before water service is restored. If for any reason water service is never restored, any amount collected for delinquent accounts due both water and sewer provider shall be divided between the water provider and the sewer provider so that each receives the percentage of the amount owed to it;

(6) The agreement shall provide that in the event the water provider or any independent contractor who performs such agreement under contract with the water provider incurs attorney fees or other costs not covered by insurance as a result of any claim, litigation, or threatened litigation against the water provider or independent contractor which exceeds the limits of insurance coverage provided to the water provider or independent contractor by the sewer provider as stated in this section, the sewer provider shall reimburse such amounts to the water provider or independent contractor;

(7) The agreement shall contain a provision providing that the expense and cost of the water provider shall be recalculated annually and that the amount due it during the subsequent year shall be increased or decreased according to any change occurring in the costs and expenses; alternatively, upon agreement of the parties to the agreement, the agreement may provide for annual increases or decreases based upon the percentage of increase or decrease in the National Consumers Price Index for All Urban Consumers, unadjusted for seasonal variation, as published by the United States Department of Labor for the most recent date prior to the annual anniversary date of the execution of the agreement;

(8) All expense and cost incurred by the water provider in performing or carrying out the agreement shall be reimbursed to the water provider by the sewer provider. The reimbursement shall be made monthly, bi-

monthly, or quarterly. In determining such expense incurred by the water provider, the commissioners shall consider the following items of expense, whether such items will be incurred by the water provider, at the time the agreement is executed or in the future, and if so, the amount of such expense attributable to such agreement at the time such agreement is executed and in the future:

(a) All personnel expense including, but not limited to, wages and salaries, employment taxes, retirement benefits, employment benefits, health insurance, and workers' compensation insurance;

(b) All expense incurred by payments to independent contractors who perform or carry out the agreement under contract with the water provider;

(c) Equipment expenses;

(d) Computer and computer program expense;

(e) Office space expense;

(f) Insurance expense attributable to the agreement between the water provider and the sewer provider, including the additional insurance expense of any independent contractor who performs or carries out the agreement under contract with such water provider;

(g) All other expense attributable to the agreement between the water and sewer provider;

(9) The agreement shall terminate in twenty years unless a different term is agreed upon by the parties. Upon termination, the parties may agree to an extension thereof, not to exceed an additional twenty years;

(10) If ownership of either the sewer system of the sewer provider or the water system of the water provider is transferred to another entity or person, the agreement shall terminate at the time of the transfer, unless the new owner and remaining owner agree otherwise.

5. Upon the filing of such petition, the sewer provider shall appoint one commissioner. The water provider shall appoint a commissioner within thirty days of the service of the petition upon it. If the water provider fails to appoint a commissioner within such time period, the court shall appoint a commissioner on behalf of the water provider within forty-five days of service of the petition on the water provider. The two named commissioners shall agree to appoint a third commissioner within thirty days after the appointment of the second commissioner, but in the event that they fail to do so, the court shall appoint a third commissioner within sixty days after the appointment of the second commissioner.

6. The commissioners shall draft an agreement between the water provider and sewer provider meeting the requirements established in this section. Before drafting such agreement, the water provider and sewer provider shall be given an opportunity to present evidence and information pertaining to such agreement at a hearing to be held by the commissioners, of which each party shall receive fifteen days written notice. The hearing may be continued from time to time by the commissioners. The commissioners shall consider all evidence and information submitted to them and prepare such agreement as provided under this section. The agreement shall be submitted to the court within ninety days of the selection or appointment of the last commissioner as provided under this section.

7. If the court finds that the agreement is fair, reasonable, and meets the requirements of this section, then the court shall enter its judgment approving the agreement and order it to become effective sixty days after the date of such judgment. If the court finds such agreement is not fair and reasonable or does not meet the requirements of this section, the court shall return it to the commissioners with its reasons for rejecting the agreement. The commissioners shall make the required changes and resubmit the agreement to the court. Upon approval of the agreement by the court, judgment shall be entered approving the agreement and ordering it to become effective sixty days after the date of such judgment. Thereafter, the parties shall abide by such agreement. If either party fails to do so, the other party may file an action to compel compliance. Venue shall be in the court issuing such judgment.

8. The judgment and order of the court shall be subject to appeal as provided by law. All costs, including commissioners' compensation, shall be taxed to and paid by the sewer provider requesting an agreement. The court shall also order payment of a reasonable attorney fee and fees of expert witnesses of the water provider by the sewer provider to the water provider.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 6

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 132, Section 136.160, Line 2, by inserting immediately after said line the following:

“137.073. 1. As used in this section, the following terms mean:

(1) “General reassessment”, changes in value, entered in the assessor's books, of a substantial portion of the parcels of real property within a county resulting wholly or partly from reappraisal of value or other actions of the assessor or county equalization body or ordered by the state tax commission or any court;

(2) “Tax rate”, “rate”, or “rate of levy”, singular or plural, includes the tax rate for each purpose of taxation of property a taxing authority is authorized to levy without a vote and any tax rate authorized by election, including bond interest and sinking fund;

(3) “Tax rate ceiling”, a tax rate as revised by the taxing authority to comply with the provisions of this section or when a court has determined the tax rate; except that, other provisions of law to the contrary notwithstanding, a school district may levy the operating levy for school purposes required for the current year pursuant to subsection 2 of section 163.021, RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is approved by voters of the political subdivision as provided in this section;

(4) “Tax revenue”, when referring to the previous year, means the actual receipts from ad valorem levies on all classes of property, including state-assessed property, in the immediately preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not collected in the fiscal year and plus an additional allowance for the revenue which would have been collected from property which was annexed by such political subdivision but which was not previously used in determining tax revenue pursuant to this section. The term “tax revenue” shall not include any receipts from ad valorem levies on any property of a railroad corporation or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by the assessor of a county or city in the previous year but are assessed by the state tax commission in the current year. All school districts and those counties levying sales taxes pursuant to chapter 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and section 164.013, RSMo, **or as excess home dock city or county fees as provided in subsection 4 of section 313.820, RSMo**, in the immediately preceding fiscal year but not including any amount calculated to adjust for prior years. For purposes of political subdivisions which were authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate, the term “tax revenue”, as used in relation to the revision of tax levies mandated by law, shall mean the revenues equal to the amount that would have been available if the voluntary rate reduction had not been made.

2. Whenever changes in assessed valuation are entered in the assessor's books for any personal property, in the aggregate, or for any subclass of real property as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each political subdivision wholly or partially within the county or St. Louis City of the change in valuation of each subclass of real property, individually, and personal property, in the aggregate, exclusive of new construction and improvements. All political subdivisions shall immediately revise the applicable rates of levy for each purpose for each subclass of real property, individually, and personal property, in the aggregate, for which taxes are levied to the extent necessary to produce from all taxable property, exclusive of new construction and improvements, substantially the same amount of tax revenue as was produced in the previous year for each subclass of real property, individually, and personal property, in the aggregate, except that the rate may not exceed the greater of the rate in effect in the 1984 tax year or the most recent voter-approved rate. Such tax revenue shall not include any receipts from ad valorem levies on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property. Where the taxing authority is a school district for the purposes of revising the applicable rates of levy for each subclass of real property, the tax revenues from state-assessed railroad and utility property shall be apportioned and attributed to each subclass of real property based on the percentage of the total assessed valuation of the county that each subclass of real property represents in the current taxable year. As provided in section 22 of article X of the constitution, a political subdivision may also revise each levy to allow for inflationary assessment growth occurring within the political subdivision. The inflationary growth factor for any such subclass of real property or personal property shall be limited to the actual assessment growth in such subclass or class, exclusive of new construction and improvements, and exclusive of the assessed value on any real property which was assessed by the assessor of a county or city in the current year in a different subclass of real property, but not to exceed the consumer price index or five percent, whichever is lower. Should the tax revenue of a political subdivision from the various tax rates determined in this subsection be different than the tax revenue that would have

been determined from a single tax rate as calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then the political subdivision shall revise the tax rates of those subclasses of real property, individually, and/or personal property, in the aggregate, in which there is a tax rate reduction, pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such difference and shall be apportioned among such subclasses of real property, individually, and/or personal property, in the aggregate, based on the relative assessed valuation of the class or subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each class or subclass shall be made by computing the percentage of current year adjusted assessed valuation of each class or subclass with a tax rate reduction to the total current year adjusted assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting percentages by the revenue difference between the single rate calculation and the calculations pursuant to this subsection and dividing by the respective adjusted current year assessed valuation of each class or subclass to determine the adjustment to the rate to be levied upon each class or subclass of property. The adjustment computed herein shall be multiplied by one hundred, rounded to four decimals in the manner provided in this subsection, and added to the initial rate computed for each class or subclass of property. Notwithstanding any provision of this subsection to the contrary, no revision to the rate of levy for personal property shall cause such levy to increase over the levy for personal property from the prior year.

3. (1) Where the taxing authority is a school district, it shall be required to revise the rates of levy to the extent necessary to produce from all taxable property, including state-assessed railroad and utility property, which shall be separately estimated in addition to other data required in complying with section 164.011, RSMo, substantially the amount of tax revenue permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be adjusted to offset such district's reduction in the apportionment of state school moneys due to its reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility valuation or loss of state aid, discovers that the estimates used result in receipt of excess revenues, which would have required a lower rate if the actual information had been known, the school district shall reduce the tax rate ceiling in the following year to compensate for the excess receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

(2) For any political subdivision which experiences a reduction in the amount of assessed valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation or recordation of any assessed valuation:

(a) Such political subdivision may revise the tax rate ceiling for each purpose it levies taxes to compensate for the reduction in assessed value occurring after the political subdivision calculated the tax rate ceiling for the particular subclass of real property or for personal property, in the aggregate, in the prior year. Such revision by the political subdivision shall be made at the time of the next calculation of the tax rate for the particular subclass of real property or for personal property, in the aggregate, after the reduction in assessed valuation has been determined and shall be calculated in a manner that results in the revised tax rate ceiling being the same as it would have been had the corrected or finalized assessment been available at the time of the prior calculation;

(b) In addition, for up to three years following the determination of the reduction in assessed valuation as a result of circumstances defined in this subdivision, such political subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive for the three-year period preceding such determination.

4. (1) In order to implement the provisions of this section and section 22 of article X of the Constitution of Missouri, the term "improvements" shall apply to both real and personal property. In order to determine the value of new construction and improvements, each county assessor shall maintain a record of real property valuations in such a manner as to identify each year the increase in valuation for each political subdivision in the county as a result of new construction and improvements. The value of new construction and improvements shall include the additional assessed value of all improvements or additions to real property which were begun after and were not part of the prior year's assessment, except that the additional assessed value of all improvements or additions to real property which had been totally or partially exempt from ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255, RSMo, and section 353.110, RSMo, shall be included in the value of new construction and improvements when the property becomes totally or partially subject to assessment and payment of all ad valorem taxes. The aggregate increase in valuation of personal property for the current year over that of the previous year is the equivalent of the new construction and improvements factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection 15 of section 137.115, the assessor shall certify the amount of new construction and improvements and the amount of assessed value on any real property which was assessed by the assessor of a county or city in such previous year but is assessed by the assessor of a county or city in the current year in a different subclass of real property separately for each of the three subclasses of real property for each political subdivision to the county clerk in order that political subdivisions shall have this information for the purpose of calculating tax rates pursuant to this section and

section 22, article X, Constitution of Missouri. In addition, the state tax commission shall certify each year to each county clerk the increase in the general price level as measured by the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency. The state tax commission shall certify the increase in such index on the latest twelve-month basis available on June first of each year over the immediately preceding prior twelve-month period in order that political subdivisions shall have this information available in setting their tax rates according to law and section 22 of article X of the Constitution of Missouri. For purposes of implementing the provisions of this section and section 22 of article X of the Missouri Constitution, the term "property" means all taxable property, including state assessed property.

(2) Each political subdivision required to revise rates of levy pursuant to this section or section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized to levy and, in establishing each tax rate, shall consider each provision for tax rate revision provided in this section and section 22 of article X of the Constitution of Missouri, separately and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using the calculation that produces the lowest tax rate ceiling. It is further the intent of the general assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri, that the provisions of such section be applicable to tax rate revisions mandated pursuant to section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in subsequent years, enforcement provisions, and other provisions not in conflict with section 22 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established pursuant to this section and section 22 of article X of the Constitution of Missouri, unless otherwise provided by law.

5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section shall not be increased unless approved by a vote of the people. Approval of the higher tax rate shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval by more than a simple majority pursuant to any provision of law or the constitution, the tax rate increase must receive approval by at least the majority required.

(2) When voters approve an increase in the tax rate, the amount of the increase shall be added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate for approval rather than describing the amount of increase in the question, the stated tax rate approved shall be the current tax rate ceiling. The increased tax rate ceiling as approved may be applied to the total assessed valuation of the political subdivision at the setting of the next tax rate.

(3) The governing body of any political subdivision may levy a tax rate lower than its tax rate ceiling and may increase that lowered tax rate to a level not exceeding the tax rate ceiling without voter approval.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one-hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. Within thirty days after the effective date of this act, the state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be *prima facie* valid if, after making the payment for which the tax was levied, bonds remain outstanding and the debt fund reserves do not exceed

the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of a taxing authority. The notice shall advise each member that the court will exclude him or her from the class if he or she so requests by a specified date, that the judgment, whether favorable or not, will include all members who do not request exclusion, and that any member who does not request exclusion may, if he or she desires, enter an appearance. In any class action brought pursuant to this section, the court, in addition to the relief requested, shall assess against the taxing authority found to be in violation of this section the reasonable costs of bringing the action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any attorney or association of attorneys who receive public funds from any source for their services. Any action brought pursuant to this section shall be set for hearing as soon as practicable after the cause is at issue.

9. If in any action, including a class action, the court issues an order requiring a taxing authority to revise the tax rates as provided in this section or enjoins a taxing authority from the collection of a tax because of its failure to revise the rate of levy as provided in this section, any taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her taxes in part, whether or not the taxes are paid under protest as provided in section 139.031, RSMo. The part of the taxes paid erroneously is the difference in the amount produced by the original levy and the amount produced by the revised levy. The township or county collector of taxes or the collector of taxes in any city shall refund the amount of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided in this section shall make available to the collector all funds necessary to make refunds pursuant to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall be construed to require a taxing authority to refund any tax erroneously paid prior to or during the third tax year preceding the current tax year.

10. A taxing authority, including but not limited to a township, county collector, or collector of taxes, responsible for determining and collecting the amount of residential real property tax levied in its jurisdiction, shall report such amount of tax collected by December thirty-first of each year such property is assessed to the state tax commission. The state tax commission shall compile the tax data by county or taxing jurisdiction and submit a report to the general assembly no later than January thirty-first of the following year.

11. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the

effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.”; and

Further amend said bill, page ____, section ____, line ____, by inserting immediately after said line the following:

“313.800. 1. As used in sections 313.800 to 313.850, unless the context clearly requires otherwise, the following terms mean:

(1) “Adjusted gross receipts”, the gross receipts from licensed gambling games and devices less winnings paid to wagerers;

(2) “Applicant”, any person applying for a license authorized under the provisions of sections 313.800 to 313.850;

(3) “Bank”, the elevations of ground which confine the waters of the Mississippi or Missouri Rivers at the ordinary high water mark as defined by common law;

(4) **“Capital, cultural, and special law enforcement purpose expenditures”, shall include any disbursement, including disbursements for principal, interest, and costs of issuance and trustee administration related to any indebtedness, for the acquisition of land, land improvements, buildings and building improvements, vehicles, machinery, equipment, works of art, intersections, signing, signalization, parking lot, bus stop, station, garage, terminal, hanger, shelter, dock, wharf, rest area, river port, airport, light rail, railroad, other mass transit, pedestrian shopping malls and plazas, parks, lawns, trees, and other landscape, convention center, roads, traffic control devices, sidewalks, alleys, ramps, tunnels, overpasses and underpasses, utilities, streetscape, lighting, trash receptacles, marquees, paintings, murals, fountains, sculptures, water and sewer systems, dams, drainage systems, creek bank restoration, any asset with a useful life greater than one year, cultural events, and any expenditure related to a law enforcement officer deployed as horse mounted patrol, school resource or drug awareness resistance education (D.A.R.E) officer;**

[(4)] (5) “Cheat”, to alter the selection of criteria which determine the result of a gambling game or the amount or frequency of payment in a gambling game;

[(5)] (6) “Commission”, the Missouri gaming commission;

[(6)] (7) “Dock”, the location in a city or county authorized under subsection 10 of section 313.812 which contains any natural or artificial space, inlet, hollow, or basin, in or adjacent to a bank of the Mississippi or Missouri Rivers, next to a wharf or landing devoted to the embarking of passengers on and disembarking of passengers from a gambling excursion but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

[(7)] (8) “Excursion gambling boat”, a boat, ferry or other floating facility licensed by the commission on which gambling games are allowed;

(9) “Fiscal year”, shall for the purposes of subsections 3 and 4 of section 313.820, mean the fiscal year of a home dock city or county;

[(8)] (10) “Floating facility”, any facility built or originally built as a boat, ferry or barge licensed by the commission on which gambling games are allowed;

[(9)] (11) “Gambling excursion”, the time during which gambling games may be operated on an excursion gambling boat whether docked or during a cruise;

[(10)] (12) “Gambling game” includes, but is not limited to, games of skill or games of chance on an excursion gambling boat but does not include gambling on sporting events; provided such games of chance are approved by amendment to the Missouri Constitution;

[(11)] (13) “Games of chance”, any gambling game in which the player's expected return is not favorably increased by his or her reason, foresight, dexterity, sagacity, design, information or strategy;

[(12)] (14) “Games of skill”, any gambling game in which there is an opportunity for the player to use his or her reason, foresight, dexterity, sagacity, design, information or strategy to favorably increase the player's expected return; including, but not limited to, the gambling games known as “poker”, “blackjack” (twenty-one), “craps”, “Caribbean stud”, “pai gow poker”, “Texas hold'em”, “double down stud”, and any video representation of such games;

[(13)] (15) “Gross receipts”, the total sums wagered by patrons of licensed gambling games;

[(14)] (16) “Holder of occupational license”, a person licensed by the commission to perform an occupation within excursion gambling boat operations which the commission has identified as requiring a license;

[(15)] (17) “Licensee”, any person licensed under sections 313.800 to 313.850;

[(16)] (18) “Mississippi River” and “Missouri River”, the water, bed and banks of those rivers, including any space filled by the water of those rivers for docking purposes in a manner approved by the commission but shall not include any artificial space created after May 20, 1994, and is located more than one thousand feet from the closest edge of the main channel of the river as established by the United States Army Corps of Engineers;

(19) “Supplier”, a person who sells or leases gambling equipment and gambling supplies to any licensee.

2. In addition to the games of skill referred to in subdivision [(12)] (14) of subsection 1 of this section, the commission may approve other games of skill upon receiving a petition requesting approval of a gambling game from any applicant or licensee. The commission may set the matter for hearing by serving the applicant or licensee with written notice of the time and place of the hearing not less than five days prior to the date of the hearing and posting a public notice at each commission office. The commission shall require the applicant or licensee to pay the cost of placing a notice in a newspaper of general circulation in the applicant's or licensee's home dock city or county. The burden of proof that the gambling game is a game of skill is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing his or her case by a preponderance of evidence including:

- (1) Is it in the best interest of gaming to allow the game; and
- (2) Is the gambling game a game of chance or a game of skill?

All testimony shall be given under oath or affirmation. Any citizen of this state shall have the opportunity to testify on the merits of the petition. The commission may subpoena witnesses to offer expert testimony. Upon conclusion of the hearing, the commission shall evaluate the record of the hearing and issue written findings of fact that shall be based exclusively on the evidence and on matters officially noticed. The commission shall then render a written decision on the merits which shall contain findings of fact, conclusions of law and a final commission order. The final commission order shall be within thirty days of the hearing. Copies of the final commission order shall be served on the petitioner by certified or overnight express mail, postage prepaid, or by personal delivery.

313.820. 1. An excursion boat licensee shall pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.

3. Effective fiscal year 2008 and each fiscal year thereafter, the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the percentage of gross revenue realized by the home dock city or county attributable to such admission fees for fiscal year 2007. In the case of a new casino, the provisions of this section shall become effective two years from the opening of such casino and the amount of revenue derived from admission fees paid to a home dock city or county shall not exceed the average percentage of gross revenue realized by the home dock city or county attributable to such admission fees for the first two fiscal years in which such casino opened for business. Effective fiscal year 2010 and each subsequent fiscal year until fiscal year 2015, the percentage of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than thirty percent. Effective fiscal year 2015 and each subsequent fiscal, the percentage

of all revenue derived by a home dock city or county from such admission fees used for expenditures other than capital, cultural, and special law enforcement purpose expenditures shall be limited to not more than twenty percent.

4. After fiscal year 2007, in any fiscal year in which a home dock city or county collects an amount over the limitation on revenue derived from admission fees provided in subsection 1 of this section, such revenue shall be treated as if it were sales tax revenue within the meaning of section 67.505, RSMo, provided that the home dock city or county shall reduce its total general revenue property tax levy, in accordance with the method provided in subdivision (6) of subsection 3 of section 67.505, RSMo.

5. The provisions of subsections 3 and 4 of this section shall not affect the imposition or collection of a tax under section 313.822.

6. The provisions of subsections 3 and 4 of this section shall not apply to any city of the third classification with more than eight thousand two hundred but fewer than eight thousand three hundred inhabitants, any county of the third classification without a township form of government and with more than sixteen thousand six hundred but fewer than sixteen thousand seven hundred inhabitants, any county of the third classification without a township form of government and with more than ten thousand two hundred but fewer than ten thousand three hundred inhabitants, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the fourth classification with more than two thousand nine hundred but fewer than three thousand inhabitants and located in any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any county of the first classification with more than seventy-three thousand seven hundred but fewer than seventy-three thousand eight hundred inhabitants, any city of the third classification with more than six thousand seven hundred but fewer than six thousand eight hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty thousand but fewer than twenty thousand one hundred inhabitants, any city of the third classification with more than four thousand seven hundred but fewer than four thousand eight hundred inhabitants and located in any county of the first classification with more than one hundred eighty-four thousand but fewer than one hundred eighty-eight thousand inhabitants, any city of the third classification with more than twenty-five thousand seven hundred but fewer than twenty-five thousand nine hundred inhabitants, any county with a charter form of government and with more than one million inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any special charter city with more than nine hundred fifty but fewer than one thousand fifty inhabitants, any county of the third classification without a township form of government and with more than ten thousand four hundred but fewer than ten thousand five hundred inhabitants, any city not within a county, any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants, and any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 7

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 239, Section 473.771, Line 27, by inserting immediately after said line the following:

“478.570. 1. There shall be two circuit judges in the seventeenth judicial circuit consisting of the counties of Cass and Johnson. These judges shall sit in divisions numbered one and two.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982.

3. **Beginning on January 1, 2006, there shall be one additional associate circuit judge position in Cass County than is provided under section 478.320.**

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit consisting of the county of St. Charles. These judges shall sit in divisions numbered one, two, three and four. **Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two,**

three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. **The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.**

3. **Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020, RSMo, shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.**

4. **Beginning on January 1, 2007, the drug court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the drug court. Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.”; and**

Further amend the title and enacting clause accordingly.

Senate Amendment No. 8

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130, Section 105.711, Line 11, by inserting immediately after said line the following:

“135.010. As used in sections 135.010 to 135.030 the following words and terms mean:

(1) “Claimant”, a person or persons claiming a credit under sections 135.010 to 135.030. If the persons are eligible to file a joint federal income tax return and reside at the same address at any time during the taxable year, then the credit may only be allowed if claimed on a combined Missouri income tax return or a combined claim return reporting their combined incomes and property taxes. A claimant shall not be allowed a property tax credit unless the claimant or spouse has attained the age of sixty-five on or before the last day of the calendar year and the claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a veteran of any branch of the armed forces of the United States or this state who became one hundred percent disabled as a result of such service, or the claimant or spouse is disabled as defined in subdivision (2) of this section, and such claimant or spouse provides proof of such disability in such form and manner, and at such times, as the director of revenue may require, or if the claimant has reached the age of sixty on or before the last day of the calendar year and such claimant received surviving spouse Social Security benefits during the calendar year and the claimant provides proof, as required by the director of revenue, that the claimant received surviving spouse Social Security benefits during the calendar year for which the credit will be claimed. **A claimant shall not be allowed a property tax credit if the claimant filed a valid claim for a credit under section 137.106 in the year following the year for which the property tax credit is claimed.** The residency requirement shall be deemed to have been fulfilled for the purpose of determining the eligibility of a surviving spouse for a property tax credit if a person of the age of sixty-five years or older who would have otherwise met the requirements for a property tax credit dies before the last day of the calendar year. The residency requirement shall also be deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who would have otherwise met the requirements for a property tax credit but who dies before the last day of the calendar year;

(2) “Disabled”, the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months. A claimant shall not be required to be gainfully employed prior to such disability to qualify for a property tax credit;

(3) “Gross rent”, amount paid by a claimant to a landlord for the rental, at arm's length, of a homestead during the calendar year, exclusive of charges for health and personal care services and food furnished as part of the rental agreement, whether or not expressly set out in the rental agreement. If the director of revenue determines that the landlord and tenant have not dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually paid prior to the date a return is filed. The director of revenue may prescribe regulations requiring a return of information by a landlord receiving rent, certifying for a calendar year the amount of gross rent received from a tenant claiming a property tax

credit and shall, by regulation, provide a method for certification by the claimant of the amount of gross rent paid for any calendar year for which a claim is made. The regulations authorized by this subdivision may require a landlord or a tenant or both to provide data relating to health and personal care services and to food. Neither a landlord nor a tenant may be required to provide data relating to utilities, furniture, home furnishings or appliances;

(4) "Homestead", the dwelling in Missouri owned or rented by the claimant and not to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. It may consist of part of a multidwelling or multipurpose building and part of the land upon which it is built. "Owned" includes a vendee in possession under a land contract and one or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant actually in possession if he was the immediate former owner of record, if a lineal descendant is presently the owner of record, and if the claimant actually pays all taxes upon the property. It may include a mobile home;

(5) "Income", Missouri adjusted gross income as defined in section 143.121, RSMo, less two thousand dollars as an exemption for the claimant's spouse residing at the same address, and increased, where necessary, to reflect the following:

(a) Social Security, railroad retirement, and veterans payments and benefits unless the claimant is a one hundred percent service-connected, disabled veteran or a spouse of a one hundred percent service-connected, disabled veteran. The one hundred percent service-connected disabled veteran shall not be required to list veterans payments and benefits;

(b) The total amount of all other public and private pensions and annuities;

(c) Public relief, public assistance, and unemployment benefits received in cash, other than benefits received under this chapter;

(d) No deduction being allowed for losses not incurred in a trade or business;

(e) Interest on the obligations of the United States, any state, or any of their subdivisions and instrumentalities;

(6) "Property taxes accrued", property taxes paid, exclusive of special assessments, penalties, interest, and charges for service levied on a claimant's homestead in any calendar year. Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed. The director of revenue shall require a tax receipt or other proof of property tax payment. If a homestead is owned only partially by claimant, then "property taxes accrued" is that part of property taxes levied on the homestead which was actually paid by the claimant. For purposes of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of revenue for collection. If a claimant owns a homestead part of the preceding calendar year and rents it or a different homestead for part of the same year, "property taxes accrued" means only taxes levied on the homestead both owned and occupied by the claimant, multiplied by the percentage of twelve months that such property was owned and occupied as the homestead of the claimant during the year. When a claimant owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable to those several properties occupied by the claimant as a homestead for the year. If a homestead is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part;

(7) "Rent constituting property taxes accrued", twenty percent of the gross rent paid by a claimant and spouse in the calendar year.

137.106. 1. This section may be known and may be cited as "The Missouri Homestead Preservation Act".

2. As used in this section, the following terms shall mean:

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to subsection 4 of this section; in the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to subsection 4 of this section did not exceed the maximum upper limit; **in the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions 7 and 8 of this subsection;** no individual shall be an eligible

owner if the individual has not paid their property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year, [not including the year in which the application was completed,] shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person [qualifies] **filed a valid claim** for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, **except where an eligible owner of the property has made such improvements to accommodate a disabled person;**

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection [8] **10** of this section. **For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005 and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application;**

(7) "Income", federal adjusted gross income, **and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;**

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. **If application is made in 2005**, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and

(4) That any improvements made to the homestead, **not made to accommodate a disabled person**, did not total more than five percent of the prior year appraised value.

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. **If application is made in 2005**, the assessor, upon [receiving] **request for** an application, shall:

(1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;

(2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks **for inclusion on the form;**

(3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and

(4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April 1 and September 30 of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and
- (5) The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by September thirtieth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

[7.] **8. If application is made in 2005**, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

[8.] **9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income is verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.**

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

[9.] **11.** [If, in any given year.] **For applications made in 2005**, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

[10.] **12.** After setting the homestead exemption limit **for applications made in 2005**, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation **and assessment fund allocation** to the county collector's funds of each county **or the treasurer ex officio collector's fund in counties with a township form of government** where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector **or the treasurer ex officio collector in counties with a township form of government**, shall be deposited in the county collector's fund of a county **or the treasurer ex officio collector's fund** or may be sent by mail to the collector of a county, **or the treasurer ex officio collector in counties with a township form of government**, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues **by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government**, so as to exactly offset each homestead exemption credit being issued. **In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.**

[11.] **13.** If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After setting the homestead exemption limit for applications made after 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex-officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation of this section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly

including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

[12.] **16.** In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to [the mailing of the tax bill] **January first of the year in which the credit would otherwise be applied**, the credit shall be void and any corresponding moneys, pursuant to subsection 10 of this section, shall lapse to the state to be credited to the general revenue fund. **In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.**

[13.] **17.** This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

[14.] **18.** In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 10

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 77, Section 82.1025, Line 18 of said page, by inserting immediately after said line the following:

“84.010. **1.** In all cities of this state that now have, or may hereafter attain, a population of seven hundred thousand inhabitants or over, the common council or municipal assembly, as the case may be, of such cities may pass ordinances for preserving order, securing property and persons from violence, danger or destruction, protecting public and private property, and for promoting the interests and insuring the good government of the cities; but no ordinances heretofore passed, or that may hereafter be passed, by the common council or municipal assembly of the cities, shall, in any manner, conflict or interfere with the powers or the exercise of the powers of the boards of police commissioners of the cities as created by section 84.020, nor shall the cities or any officer or agent of the corporation of the cities, or the mayor thereof, in any manner impede, obstruct, hinder or interfere with the boards of police or any officer, or agent or servant thereof or thereunder, except that in any case of emergency imminently imperiling the lives, health or safety of the inhabitants of the city, the mayor may call upon and direct the chief of police of the city to provide such number of officers and patrolmen to meet the emergency as the mayor determines to be necessary and the chief of police shall continue to act under the direction of the mayor until the emergency has ceased, or until the board of police commissioners takes charge of such matter.

2. Notwithstanding any provision of subsection 1 of this section or other law to the contrary, from and after the effective date of this act, any city not within a county may establish by ordinance, and thereafter maintain, a municipal police force pursuant to sections 84.341 and 84.342.

84.341. Any city not within a county may establish by ordinance a municipal police force for the purposes of:

- (1) Preserving the public peace, welfare, and order;
- (2) Preventing crime and arresting suspected offenders;
- (3) Enforcing the laws of the state and ordinances of the city;
- (4) Exercising all powers available to a police force under generally applicable state law; and
- (5) Regulating and licensing all private watchmen, private detectives, and private policemen serving or acting as such in said cities. No person shall act as a private watchman, private detective, or private policeman in said cities without first having obtained a written license from said police force.

84.342. 1. Any ordinance adopted under section 84.341 shall provide for the employment in the municipal police force, immediately upon the effective date of the establishment of the municipal police force, of all officers

and employees of any police force previously established under sections 84.010 to 84.340 at their then current salaries, and for their entitlement to all accrued benefits, including but not limited to, vacation time, sick leave, and health insurance. Any such ordinance shall be consistent with any regulation concerning residence of police officers adopted by the commissioners of the board of police under sections 84.020 and 84.030 prior to the adoption of such ordinance.

2. After the establishment of a municipal police department under section 84.341, the city may provide by ordinance for the number and ranks of police officers, for their compensation and benefits, and for the appointment, promotion, suspension, demotion, or discharge of members of the police department and of the police commissioner.

84.343. Immediately upon the adoption by a city not within a county of an ordinance establishing a municipal police force under section 84.341, the clerk of such city shall file a certified copy of such ordinance with the secretary of state. The provisions of subsection 1 of section 84.010 and sections 84.015, 84.020, 84.030, 84.040, 84.050, 84.060, 84.070, 84.080, 84.090, 84.095, 84.100, 84.110, 84.120, 84.130, 84.140, 84.150, 84.160, 84.170, 84.175, 84.180, 84.190, 84.200, 84.210, 84.220, 84.230, 84.240, 84.250, 84.260, 84.265, 84.330, and 84.340, and the terms of office of the commissioners of the board of police under sections 84.020 and 84.030, shall expire upon the effective date of the establishment of a municipal police force as provided in such ordinance.

84.344. Any police pension system for members of a police force established under sections 84.010 to 84.340 shall continue to be governed by chapter 86, RSMo, as amended.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 11

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.190, Line 6, by inserting after all of said line the following:

“321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

- (1) To have perpetual existence;
- (2) To have and use a corporate seal;
- (3) To sue and be sued, and be a party to suits, actions and proceedings;
- (4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;
- (5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;
- (6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;
- (7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;
- (8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;
- (9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;
- (10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof, shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. **The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency;**

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either or both a contributory or noncontributory plan. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section 70.615, RSMo, for the volunteer members of any organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section 320.300, RSMo, for the purpose of providing the benefits described in subdivision (17) of this section."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 12

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27 of said page, by inserting after all of said line the following:

“64.940. 1. The authority shall have the following powers:

(1) To acquire by gift, bequest, purchase or lease from public or private sources and to plan, construct, operate and maintain, or to lease to others for construction, operation and maintenance a sports stadium, field house, indoor and outdoor recreational facilities, centers, playing fields, parking facilities and other suitable concessions, and all things incidental or necessary to a complex suitable for all types of sports and recreation, either professional or amateur, commercial or private, either upon, above or below the ground;

(2) To charge and collect fees and rents for use of the facilities owned or operated by it or leased from or to others;

(3) To adopt a common seal, to contract and to be contracted with, including, but without limitation, the authority to enter into contracts with counties and other political subdivisions under sections 70.210 to 70.320, RSMo, and to sue and to be sued;

(4) To receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies or by the federal government or any agency or officer thereof or from any other source;

(5) To disburse funds for its lawful activities and fix salaries and wages of its officers and employees;

(6) To borrow money for the acquisition, planning, construction, equipping, operation, maintenance, repair, extension and improvement of any facility, or any part or parts thereof, which it has the power to own or to operate, and to issue negotiable notes, bonds, or other instruments in writing as evidence of sums borrowed, as hereinafter provided in this section:

(a) Bonds or notes issued hereunder shall be issued pursuant to a resolution adopted by the commissioners of the authority which shall set out the estimated cost to the authority of the proposed facility or facilities, and shall further set out the amount of bonds or notes to be issued, their purpose or purposes, their date or dates, denomination or denominations, rate or rates of interest, time or times of payment, both of principal and of interest, place or places of payment and all other details in connection therewith. Any such bonds or notes may be subject to such provision for redemption prior to maturity, with or without premium, and at such times and upon such conditions as may be provided by the resolution.

(b) Such bonds or notes shall bear interest at a rate not exceeding eight percent per annum and shall mature within a period not exceeding fifty years and may be sold at public or private sale for not less than ninety-five percent of the principal amount thereof. Bonds or notes issued by an authority shall possess all of the qualities of negotiable instruments under the laws of this state.

(c) Such bonds or notes may be payable to bearer, may be registered or coupon bonds or notes and if payable to bearer, may contain such registration provisions as to either principal and interest, or principal only, as may be provided in the resolution authorizing the same which resolution may also provide for the exchange of registered and coupon bonds or notes. Such bonds or notes and any coupons attached thereto shall be signed in such manner and by such officers of the authority as may be provided for by the resolution authorizing the same. The authority may provide for the replacement of any bond or note which shall become mutilated, destroyed or lost.

(d) Bonds or notes issued by an authority shall be payable as to principal, interest and redemption premium, if any, out of the general funds of the authority, including rents, revenues, receipts and income derived and to be derived for the use of any facility or combination of facilities, or any part or parts thereof, acquired, constructed, improved or extended in whole or in part from the proceeds of such bonds or notes, including but not limited to stadium rentals, concessions, parking facilities and from funds derived from any other facilities or part or parts thereof, owned or operated by the authority, all or any part of which rents, revenues, receipts and income the authority is authorized to pledge for the payment of said principal, interest, and redemption premium, if any. Bonds or notes issued pursuant to this section shall not constitute an indebtedness of the authority within the meaning of any constitutional or statutory restriction, limitation or provision, and such bonds or notes shall not be payable out of any funds raised or to be raised by taxation. Bonds or notes issued pursuant to this section may be further secured by a mortgage or deed of trust upon the rents, revenues, receipts and income herein referred to or any part thereof or upon any leasehold interest or other property owned by the authority, or any part thereof, whether then owned or thereafter acquired. The proceeds of such bonds or notes shall be disbursed in such manner and under such restrictions as the authority may provide in the resolution authorizing the issuance of such bonds or notes or in any such mortgage or deed of trust.

(e) It shall be the duty of the authority to fix and maintain rates and make and collect charges for the use and services of its interest in the facility or facilities or any part thereof operated by the authority which shall be sufficient to pay the cost of operation and maintenance thereof, to pay the principal of and interest on any such bonds or notes and to provide funds sufficient to meet all requirements of the resolution by which such bonds or notes have been issued.

(f) The resolution authorizing the issuance of any such bonds or notes may provide for the allocation of rents, revenues, receipts and income derived and to be derived by the authority from the use of any facility or part thereof into such separate accounts as shall be deemed to be advisable to assure the proper operation and maintenance of any facility or part thereof and the prompt payment of any bonds or notes issued to finance all or any part of the costs thereof. Such accounts may include reserve accounts necessary for the proper operation and maintenance of any such facility or any part thereof, and for the payment of any such bonds or notes. Such resolution may include such other covenants and agreements by the authority as in its judgment are advisable or necessary properly to secure the payment of such bonds or notes.

(g) The authority may issue negotiable refunding bonds or notes for the purpose of refunding, extending or unifying the whole or any part of such bonds or notes then outstanding, which bonds or notes shall not exceed the principal of the outstanding bonds or notes to be refunded and the accrued interest thereon to the date of such refunding, including any redemption premium. The authority may provide for the payment of interest on such refunding bonds or notes at a rate in excess of the bonds or notes to be refunded but such interest rate shall not exceed the maximum rate of interest hereinbefore provided.

(7) To condemn any and all rights or property, of any kind or character, necessary for the purposes of the authority, subject, however, to the provisions of sections 64.920 to 64.950 and in the manner provided in chapter 523, RSMo; provided, however, that no property now or hereafter vested in or held by the state or by any county, city, village, township or other political subdivisions shall be taken by the authority without the authority or consent of such political subdivisions;

(8) To perform all other necessary and incidental functions; and to exercise such additional powers as shall be conferred by the general assembly or by act of congress.

2. The authority is authorized and directed to proceed to carry out its duties, functions and powers in accordance with sections 64.920 to 64.950 as rapidly as may be economically practicable and is vested with all necessary and appropriate powers not inconsistent with the constitution or the laws of the United States to effectuate the same, except the power to levy taxes or assessments.

3. Any expenditure made by the authority located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, that is over five thousand dollars, including professional service contracts, must be competitively bid.”; and

Further amend said bill, Page 68, Section 67.1850, Line 17 of said page, by inserting after all of said line the following:

“67.2555. Any expenditure of more than five thousand dollars made by the county executive of a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants must be competitively bid.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 13

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 130, Section 115.019, Line 11 of said page, by inserting after all of said line the following:

“115.348. No person shall qualify as a candidate for elective public office in the state of Missouri who has been convicted of or pled guilty to a felony or misdemeanor under the federal laws of the United States of America.”; and

Further amend said bill, Page 255, Section 7, Line 6 of said page, by inserting after all of said line the following:

“Section 8. No official of any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, who pleads guilty to or is convicted of a federal felony while serving in his or her official capacity, shall receive any county pension.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 14

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27 of said page, by inserting after all of said line the following:

“64.945. No sports authority in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall permit its members to utilize a suite located in any stadium leased by the authority to a professional sports team. The sports authority shall lease the use of such a suite provided to the authority to any person or entity, provided that such person or entity agrees to pay the authority for the value of the suite. If the sports authority violates the provisions of this section, it shall not receive any state funding.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 15

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 93, Section 94.860, Line 17 of said page, by inserting after all of said line the following:

“99.805. As used in sections 99.800 to 99.865, unless the context clearly requires otherwise, the following terms shall mean:

(1) “Blighted area”, an area which, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals, or welfare in its present condition and use;

(2) “Collecting officer”, the officer of the municipality responsible for receiving and processing payments in lieu of taxes or economic activity taxes from taxpayers or the department of revenue;

(3) “Conservation area”, any improved area within the boundaries of a redevelopment area located within the territorial limits of a municipality in which fifty percent or more of the structures in the area have an age of thirty-five years or more. Such an area is not yet a blighted area but is detrimental to the public health, safety, morals, or welfare and may become a blighted area because of any one or more of the following factors: dilapidation; obsolescence; deterioration; illegal use of individual structures; presence of structures below minimum code standards; abandonment; excessive vacancies; overcrowding of structures and community facilities; lack of ventilation, light or sanitary facilities; inadequate utilities; excessive land coverage; deleterious land use or layout; depreciation of physical maintenance; and lack of community planning. A conservation area shall meet at least three of the factors provided in this subdivision for projects approved on or after December 23, 1997;

(4) “Economic activity taxes”, the total additional revenue from taxes which are imposed by a municipality and other taxing districts, and which are generated by economic activities within a redevelopment area over the amount of such taxes generated by economic activities within such redevelopment area in the calendar year prior to the adoption of the ordinance designating such a redevelopment area, while tax increment financing remains in effect, but excluding personal property taxes, taxes imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels, licenses, fees or special assessments. For redevelopment projects or redevelopment plans approved after December 23, 1997, if a retail establishment relocates within one year from one facility to another facility within the same county and the governing body of the municipality finds that the relocation is a direct beneficiary of tax increment financing, then for purposes of this definition, the economic activity taxes generated by the retail establishment shall equal the total additional revenues from economic activity taxes which are imposed by a municipality or other taxing

district over the amount of economic activity taxes generated by the retail establishment in the calendar year prior to its relocation to the redevelopment area;

(5) "Economic development area", any area or portion of an area located within the territorial limits of a municipality, which does not meet the requirements of subdivisions (1) and (3) of this section, and in which the governing body of the municipality finds that redevelopment will not be solely used for development of commercial businesses which unfairly compete in the local economy and is in the public interest because it will:

- (a) Discourage commerce, industry or manufacturing from moving their operations to another state; or
- (b) Result in increased employment in the municipality; or
- (c) Result in preservation or enhancement of the tax base of the municipality;

(6) "Gambling establishment", an excursion gambling boat as defined in section 313.800, RSMo, and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat as provided in sections 313.800 to 313.850, RSMo. This subdivision shall be applicable only to a redevelopment area designated by ordinance adopted after December 23, 1997;

(7) "Municipality", a city, village, or incorporated town or any county of this state. For redevelopment areas or projects approved on or after December 23, 1997, "municipality" applies only to cities, villages, incorporated towns or counties established for at least one year prior to such date;

(8) "Obligations", bonds, loans, debentures, notes, special certificates, or other evidences of indebtedness issued by a municipality to carry out a redevelopment project or to refund outstanding obligations;

(9) "Ordinance", an ordinance enacted by the governing body of a city, town, or village or a county or an order of the governing body of a county whose governing body is not authorized to enact ordinances;

(10) "Payment in lieu of taxes", those estimated revenues from real property in the area selected for a redevelopment project, which revenues according to the redevelopment project or plan are to be used for a private use, which taxing districts would have received had a municipality not adopted tax increment allocation financing, and which would result from levies made after the time of the adoption of tax increment allocation financing during the time the current equalized value of real property in the area selected for the redevelopment project exceeds the total initial equalized value of real property in such area until the designation is terminated pursuant to subsection 2 of section 99.850;

(11) "Redevelopment area", an area designated by a municipality, in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as a blighted area, a conservation area, an economic development area, an enterprise zone pursuant to sections 135.200 to 135.256, RSMo, or a combination thereof, which area includes only those parcels of real property directly and substantially benefited by the proposed redevelopment project;

(12) "Redevelopment plan", the comprehensive program of a municipality for redevelopment intended by the payment of redevelopment costs to reduce or eliminate those conditions, the existence of which qualified the redevelopment area as a blighted area, conservation area, economic development area, or combination thereof, and to thereby enhance the tax bases of the taxing districts which extend into the redevelopment area. Each redevelopment plan shall conform to the requirements of section 99.810;

(13) "Redevelopment project", any development project within a redevelopment area in furtherance of the objectives of the redevelopment plan; any such redevelopment project shall include a legal description of the area selected for the redevelopment project;

(14) "Redevelopment project costs" include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan or redevelopment project, as applicable. Such costs include, but are not limited to, the following:

- (a) Costs of studies, surveys, plans, and specifications;
- (b) Professional service costs, including, but not limited to, architectural, engineering, legal, marketing, financial, planning or special services. Except the reasonable costs incurred by the commission established in section 99.820 for the administration of sections 99.800 to 99.865, such costs shall be allowed only as an initial expense which, to be recoverable, shall be included in the costs of a redevelopment plan or project;
- (c) Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
- (d) Costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings and fixtures;
- (e) Initial costs for an economic development area;
- (f) Costs of construction of public works or improvements;

(g) Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued pursuant to sections 99.800 to 99.865 accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not more than eighteen months thereafter, and including reasonable reserves related thereto;

(h) All or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs;

(i) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or are required to be paid by federal or state law;

(j) Payments in lieu of taxes;

(k) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants shall not include attorneys' fees as a professional service cost when calculating the redevelopment project costs;

(15) "Special allocation fund", the fund of a municipality or its commission which contains at least two separate segregated accounts for each redevelopment plan, maintained by the treasurer of the municipality or the treasurer of the commission into which payments in lieu of taxes are deposited in one account, and economic activity taxes and other revenues are deposited in the other account;

(16) "Taxing districts", any political subdivision of this state having the power to levy taxes;

(17) "Taxing districts' capital costs", those costs of taxing districts for capital improvements that are found by the municipal governing bodies to be necessary and to directly result from the redevelopment project; and

(18) "Vacant land", any parcel or combination of parcels of real property not used for industrial, commercial, or residential buildings."; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 16

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 243, Section 3, Line 13 of said page, by inserting after "officials" the following:

" , unless the current salary of such officials, as of August 28, 2005, is lower than the compensation provided under the salary schedules".

Senate Amendment No. 17

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26, by inserting immediately after said line the following:

"350.017. The restrictions set forth in section 350.015 shall not apply to agricultural land that is used by a corporation or limited partnership for the production of swine or swine products located in any county of the third classification without a township form of government and with more than two thousand three hundred but fewer than two thousand four hundred inhabitants or any county of the third classification with a township form of government and with more than five thousand two hundred but fewer than five thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than three thousand seven hundred but fewer than three thousand eight hundred inhabitants, any county of the third classification with a township form of government and with more than seven thousand two hundred but fewer than seven thousand three hundred inhabitants, any county of the third classification with a township form of government and with more than eight thousand but fewer than eight thousand one hundred inhabitants, and any county of the third classification with a township form of government and with more than six thousand eight hundred but fewer than six thousand nine hundred inhabitants that has hog and pig numbers of at least fifty-five thousand as documented by the 2002 Census of Agriculture-County Data and any subsequent censuses published by the National Agriculture Statistics Service. For counties whose hog and pig numbers are not reported by the Census of Agriculture, refer to the total hog and pig numbers, including nursery pig numbers, referenced in Missouri state operating permits issued by the Missouri department of natural resources for such counties." ; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 18

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23 of said page, by inserting after all of said line the following:

“137.100. The following subjects are exempt from taxation for state, county or local purposes:

- (1) Lands and other property belonging to this state;
- (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
- (3) Nonprofit cemeteries;
- (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
- (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
- (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
- (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;** and
- (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:
 - (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
 - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
 - (c) There are no provisions for reverter of the property within the limitation period for reverters.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 19

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 140, Section 137.079, Line 23 of said page, by inserting immediately after said line the following:

“137.102. As used in this section and section 137.104, the following terms shall mean:

- (1) “Homestead”, a taxpayer-owned and occupied principle dwelling real or personal property, along with appurtenances thereto and personal property thereon and up to five acres of land surrounding it as it is reasonably necessary for use of the dwelling as a home; provided, however, that the dwelling shall have been owned in fee simple by said taxpayer for a continuous period of not less than five years. If the homestead is located in a multi-unit building, the homestead is the portion of the building actually used as the principle dwelling and its percentage of the value of the common elements and of the value of the property upon which it is built. The percentage is the value of the unit consisting of the homestead compared to the total value of the building exclusive of common elements, if any;
- (2) “Household”, a person or group of persons living together in a room or group of rooms as a housing unit, but the term does not include persons boarding in or renting a portion of the dwelling;
- (3) “Household income”, the federal adjusted gross income as defined in Section 62 of the United States Internal Revenue Code, of all members in the household;

(4) “Individual with a disability”, a taxpayer with a physical or mental impairment which substantially limits one or more of a person's major life activities, or who is regarded as having such an impairment, or has a record of having such an impairment;

(5) “Tax-deferred property”, the property upon which increases in taxes are deferred under this section;

(6) “Taxes” or “property taxes”, ad valorem taxes, assessments, fees, and charges entered on the assessment and tax roll.

137.104. 1. Beginning January 1, 2006, any taxpayer sixty-five years of age or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving Social Security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year, by obtaining a deferral after January first and on or before October fifteenth of the first year in which deferral is first claimed.

2. In order to qualify for tax deferral under this section, the following requirements must be met when the claim is filed and thereafter so long as the payment of taxes by the taxpayer is deferred:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter form of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule, or regulation applicable to a mortgage, trust deed, land sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

3. A taxpayer's claim for deferral under this section shall be filed with the county assessor in writing on a form supplied by the department of revenue and shall:

(1) Describe the homestead;

(2) Recite facts establishing the eligibility for the deferral under the provisions of section 137.102, including facts that establish that the household income of the individual or individuals in the household was, for the calendar year immediately preceding the calendar year in which the claim was filed, seventy thousand dollars or less; or

(3) Have attached any documentary proof required by the director to show that the requirements of this section have been met. A federal income tax return shall be determined as proof of eligibility under this income guideline.

4. The county assessor shall forward each claim filed under this section to the director of revenue, who shall determine if the property is eligible for deferral. If eligibility for deferral of homestead property taxes is established, the director of revenue shall notify the county assessor collector who shall show on the current ad valorem assessment and tax roll which property is tax-deferred property by an entry clearly designating such property as tax-deferred property.

5. The portion of increased taxes due beyond the total base amount of ad valorem property taxes paid in 2005 shall be deferred, and the county assessor or collector shall maintain accounts for each deferred property and shall accrue interest only on the amount of taxes deferred. The interest rate shall be two and one-half percent annually. The director of revenue shall have a lien on the homestead property in the amount of the deferred taxes and interest due.

6. The lien created under this section shall have the same priority as other real property tax liens except that the lien of mortgages, trust deeds, or security interests which are recorded or noted on a certificate of title prior in time to the attachment of the lien for deferred taxes shall be prior to the liens for deferred taxes.

7. Deferred ad valorem taxes and accrued interest shall become due and payable when:

(1) The taxpayer who claimed deferment of collection of property taxes on the homestead dies, or if there was more than one claimant, the survivor of the taxpayer who originally claimed the deferment of collection of property taxes under this section dies;

(2) The property with respect to which deferment of collection of taxes is claimed is sold or otherwise transferred;

(3) The tax-deferred property is no longer the homestead of the taxpayer who claimed the deferral, except in the case of a taxpayer required to be absent from such tax-deferred property by reason of health who owns the dwelling jointly with one or more individuals who qualify for the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

8. Whenever any of the circumstances listed in this subsection occurs, the deferral of taxes for the assessment year in which the circumstance occurs shall continue for such assessment year, and the amounts of deferred property taxes, including accrued interest, for all years shall be due and payable on the date of closing or the date of probate to the director of revenue. If the homestead property is removed from the state, the amount of deferred taxes shall be due and payable five days before the date of removal of the property from the state. All payments of deferred taxes shall be made to the county collector and shall be distributed in accordance with the then-current distribution plan.

9. Subsection 1 of this section shall not apply to payment for real property taxes by financial institutions, as defined in section 381.410, RSMo, who pay tax obligations that they service from escrow accounts, as defined in Title 24, Part 3500, Section 17, Code of Federal Regulation, as amended.

10. The provisions of this section shall automatically sunset five years after the effective date of this section unless reauthorized by an act of the general assembly.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 20

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 97, Section 99.1082, Line 24, by striking the word “one” and inserting in lieu thereof the words “**ten thousand**”; and

Further amend said bill, said section, said page, Line 25, by inserting immediately after said line, the following:

“or

(d) At least two hundred fifty thousand dollars for a project area within a city having a population of one to nine hundred and ninety-nine inhabitants;”.

Senate Amendment No. 21

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 16, Section 50.784, Line 28 of said page, by inserting after all of said line the following:

“50.1030. 1. The general administration and the responsibility for the proper operation of the fund and the system and the investment of the funds of the system are vested in a board of directors of eleven persons. Nine directors shall be elected by a secret ballot vote of the county employee members of this state. Two directors, who have no beneficiary interest in the system, shall be appointed by the governor with the advice and consent of the senate. No more than one director at any one time shall be employed by the same elected county office. Directors shall be chosen for terms of four years from the first day of January next following their election. It shall be the responsibility of the board to establish procedures for the conduct of future elections of directors and such procedures shall be approved by a majority vote by secret ballot by members of the system. The board shall have all powers and duties that are necessary and proper to enable it, its officers, employees and agents to fully and effectively carry out all the purposes of sections 50.1000 to 50.1300.

2. The board of directors shall elect one of their number as chairman and one of their number as vice chairman and may employ an administrator who shall serve as secretary to the board. The board shall hold regular meetings at least once each quarter. Board meetings shall be held in Jefferson City. Other meetings may be called as necessary by the chairman. Notice of such meetings shall be given in accordance with chapter 610, RSMo.

3. The board of directors shall retain an actuary as technical advisor to the board.

4. The board of directors shall retain investment counsel to be an investment advisor to the board.

5. The state auditor shall provide for biennial audits of the Missouri county employees' retirement system and the operations of the board, to be paid for out of the funds of the system.

6. The board of directors shall serve without compensation for their services, but each director shall be paid out of the funds of the system for any actual and necessary expenses incurred in the performance of duties authorized by the board.

7. The board of directors shall be allowed administrative costs for the operation of the system to be paid out of the funds of the system.

8. The board shall keep a record of its proceedings which shall be open to public inspection. It shall annually prepare a report showing the financial condition of the system. The report shall contain, but not be limited to, an auditor's opinion, financial statements prepared in accordance with generally accepted accounting principles, an actuary's certification along with actuarial assumptions and financial solvency tests.

9. The board shall conduct an annual review, to determine if, among other things, the following actions are actuarially feasible:

(1) An adjustment to the formula described in section 50.1060, subject to the limitations of subsection 4 of section 50.1060;

(2) An adjustment in the flat dollar pension benefit credit described in subsection 1 of section 50.1060;

(3) The cost-of-living increase as described in section 50.1070;

(4) An adjustment in the matching contribution described in section 50.1230;

(5) An adjustment in the twenty-five year service cap on creditable service; [or]

(6) An adjustment to the target replacement ratio; **or**

(7) **An additional benefit or enhancement which will improve the quality of life of future retirees.**

Based upon the findings of the actuarial review, the board may [recommend to the general assembly an actual change to implement] **vote to change** none, one, or more than one of the above [actions] **items, subject to the actuarial guidelines outlined in section 50.1031.**

50.1031. 1. No adjustments may be made until the fund has achieved a funded ratio of assets to the actuarial accrued liability equaling at least eighty percent. No benefit adjustment shall be adopted which causes the funded ratio to fall more than five percent.

2. Adjustments may be made no more frequently than once every twelve months.

3. Any adjustment or combination of adjustments within a twelve-month period may increase the actuarially determined, normally required annual contribution as a percentage of payroll no more than one percent.

4. Adjustments, other than those in subdivision (3) of subsection 9 of section 50.1030, will apply only with respect to active employees on the effective date of any adjustment.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 22

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 228, Section 321.603, Line 17, by inserting after all of said line the following:

“321.696. Notwithstanding any provision of this chapter, chapter 320, RSMo, or chapter 190, RSMo, effective August 28, 2005, pension benefit programs shall not be established by any district for volunteer members, district board of directors, or salaried employees except under the provisions of chapter 70, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 23

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 17, Section 52.317, Line 7 of said page, by inserting after “52.317.” the following:

“1.”; and

Further amend Lines 9 and 10 of said page, by striking the following:

“excluding capital improvements and equipment purchases”; and

Further amend said bill and section, Page 18, Line 1, by inserting after all of said line the following:

“2. For one-time expenditures directly attributable to any department, office, institution, commission, or county court, the county commission may budget such expenses in a common fund or account so that any such expenditures separately budgeted does not appear in any specific department, county office, institution, commission, or court budget.”; and

Further amend said bill, Page 156, Section 137.720, Lines 19-21 of said page, by striking said lines and inserting in lieu thereof the following:

“revenue to the assessment fund; provided however, that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county's governing body and the county assessor prior to transfer of county general revenue funds to the assessment fund shall be deducted from a year's contribution before computing the three-year average, except that a lesser amount shall be acceptable if unanimously agreed upon by the county assessor, the county governing body, and”.

Senate Amendment No. 25

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 28, Section 64.215, Line 27 of said page, by inserting after all of said line the following:

“65.030. 1. Upon petition of at least [one hundred] ten percent of the voters at the last general election of any county of the third or fourth classes praying therefor, which said petition shall be filed in the office of the clerk of the county commission, the county commission of such county shall, by order of record, submit the question of the adoption of township organization form of county government to a vote of the voters of the county. The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition. If such petition shall be filed sixty days or more prior to a general election, the proposition shall be submitted at said general election; if filed less than sixty days before such election, then the proposition shall be submitted at the general election next succeeding said general election. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the adoption of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published.

2. The question shall be submitted in substantially the following form:

Shall the township organization form of county government be adopted in county?

3. If a majority of the voters voting upon the question shall vote for the adoption thereof the township organization form of county government shall be declared to have been adopted; provided, that counties adopting township organization shall be subject to and governed by the provisions of the law relating to township organization on and after the last Tuesday in March next succeeding the election at which such township organization was adopted.”; and

Further amend said bill, Page 29, Section 65.110, Line 23, by inserting after all of said line the following:

“65.150. No person shall be eligible to any township office unless he shall be a voter and a resident of such township. **Such person serving as a township officer must remain a resident of the township for the duration of his or her term.**”; and

Further amend said bill, Page 30, Section 65.160, Line 2, by inserting after all of said line the following:

“65.180. Any person chosen or appointed to fill any township office, who shall refuse to serve, shall forfeit to the township the sum of [five] **one hundred** dollars for the use of the contingent fund, and said forfeiture, if not otherwise paid, shall be collected by any associate circuit judge of the county, as may be provided by law.

65.183. Any person serving as a township officer may be removed from the township board by a majority vote of the other board members for failing to attend two or more consecutive meetings of the board.

65.190. If any township officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to the township the sum of [twenty] **one hundred** dollars, to be collected and applied as in section 65.180. Township officers shall hold their offices for two years, and until their successors are chosen or appointed and qualified.

65.200. Whenever any township shall fail to elect the proper number of officers to which such township may be entitled, or when any person elected or appointed shall fail to qualify, or when any vacancy shall happen in any township office from any cause, it shall be lawful for the township board to **submit recommendations to the county commission** to fill such vacancy by appointment, and the person so appointed shall hold the office and discharge all the duties of the same during such unexpired term, and until his successor is elected or appointed and qualified, and shall be subject to the same penalties as if he had been duly elected; provided, that any vacancy in **an office of** the township [board] shall be filled by appointment of the county commission.

65.220. The township board may, at any legally convened meeting, for a good and sufficient cause shown to them, accept the **written, dated, and signed** resignation of any township officer; provided, that in all cases where the action of the township board is required, as provided in section 65.210, a majority of the members concurring therein, shall be taken as the action of the board.

65.230. The following township officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the services of the township in discharging the duties of their respective offices:

(1) The township clerk, as clerk, the township trustee, as trustee, members of the township board, shall each receive [for their services six dollars per day] **a maximum amount of fifty dollars per day** for the first meeting each month and [two and one-half] **a maximum amount of twenty** dollars for each meeting thereafter during the month[, and may receive up to twenty-five dollars per day for the first meeting each month and up to ten dollars for each meeting thereafter during the month. The township clerk shall receive fees for the following, and not per diem: for serving notices of election or appointment upon township officers, as required by law, twenty-five cents each; for filing any instrument of writing, ten cents; for recording any order or instrument of writing, authorized by law, ten cents for every hundred words and figures; for copying and certifying any record in his office, ten cents for every hundred words and figures, to be paid by the person applying for the same]; [and]

(2) The township trustee as ex officio treasurer shall receive a compensation of two percent for receiving and disbursing all moneys coming into his hands **for the first fifty thousand dollars received** as ex officio treasurer when the same shall not exceed the sum of one thousand dollars and one percent of all sums over this amount; **and**

(3) Township officials may receive an hourly wage set by the township board for labor performed for the benefit of the township. Such wage shall not exceed the local prevailing wage limits and shall not include pay received for attending monthly meetings or pay received by the treasurer for performing duties required of his or her office.

65.300. The township board of directors shall meet [at the office of the township clerk] **on a quarterly basis, or more frequently as deemed necessary by the board**, for the purpose of transacting [such] **township** business [as may be by them deemed necessary, triannually, on the third Wednesday after the first Tuesday in April, the first Tuesday after the first Monday in July, and on the third Monday of November of each year, and at such other times as the interest of the township may require]. **The meetings of the township board shall be held at a location within the township that is accessible to the public.**”; and

Further amend said bill, Page 33, Section 65.600, Line 4, by inserting after all of said line the following:

“65.610. 1. Upon the petition of at least [one hundred qualified electors] **ten percent of voters at the last general election** of any county having heretofore adopted township organization, praying therefor, the county commission shall submit the question of the abolition of township organization to the voters of the county at a general or special election. **The total vote for governor at the last general election before the filing of the petition where a governor was elected shall be used to determine the number of voters necessary to sign the petition.** If the petition is filed six months or more prior to a general election, the proposition shall be submitted at a special election to be ordered by the county commission within sixty days after the petition is filed; if the petition is filed less than six months before a general election, then the proposition shall be submitted at the general election next succeeding the filing of the petition. The election shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to elections of county officers. The clerk of the county commission shall give notice that a proposition for the abolition of township organization form of county government in the county is to be voted upon by causing a copy of the order of the county commission authorizing such election to be published at least once each week for three successive weeks, the last insertion to be not more than one week prior to the election, in some newspaper published in the county where the election is to be held, if there is a newspaper published in the county and, if not, by posting printed or written handbills in at least two public places in each election precinct in the county at least twenty-one days prior to the date of election. The clerk of the county commission shall provide the ballot which shall be printed and in substantially the following form:

OFFICIAL BALLOT

(Check the one for which you wish to vote)

Shall township organization form of	YES
county government be abolished in County?	NO

If a majority of the electors voting upon the proposition shall vote for the abolition thereof the township organization form of county government shall be declared to have been abolished; and township organization shall cease in said county; and except as provided in section 65.620 all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

2. No election or any proposal for either the adoption of township organization or for the abolition of township organization in any county shall be held within two years after an election is held under this section.”; and

Further amend said bill, Page 189, Section 217.905, Line 13, by inserting after all of said line the following:

“231.230. Whenever it shall be necessary in any township to build a bridge, the cost of which shall exceed [one hundred] **forty-five hundred** dollars, the township board of directors shall make out and cause to be presented to the county commission a certified statement of the amount of money necessary for the construction thereof, and, if deemed proper, the said county commission shall cause the bridge to be built by contract as provided by law.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 26

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 152, Section 137.122, Line 18, by adding at the end of said line, the following:

“6. The provisions of this section are not intended to modify the definition of “tangible personal property” as defined in Section 137.010, RSMo.”.

Senate Amendment No. 27

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 67.1850, Line 6 of said page, by inserting after immediately after the word “software” the following:

“, and may also establish costs for the use of computer programs and computer software that provide access to information aggregated with geographic information system information”.

Senate Amendment No. 28

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 68, Section 71.208, Line 17 of said page, by inserting after all of said line the following:

“71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the governing body of any city, town or village may annex unincorporated areas which are contiguous and compact to the existing corporate limits of the city, town or village pursuant to this section. The term “contiguous and compact” does not include a situation whereby the unincorporated area proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town or village so that the boundaries of the city, town or village after annexation would leave unincorporated areas between the annexed area and the prior boundaries of the city, town or village connected only by such railroad line, trail, pipeline or other such strip of real property. The term “contiguous and compact” does not prohibit voluntary annexations pursuant to this section merely because such voluntary annexation would create an island of unincorporated area within the city, town or village, so long as the owners of the unincorporated island were also given the opportunity to voluntarily annex into the city, town or village. Notwithstanding the provisions of this section, the governing body of any city, town or village in any county of the third classification which borders a county of the fourth classification, a county of the second classification and Mississippi River may annex areas along a road or highway up to two miles from existing boundaries of the city, town or village or the governing body in any city, town or village in any county of the third classification without a township form of government with a population of at least twenty-four thousand inhabitants but not more than thirty thousand inhabitants and such county contains a state correctional center may voluntarily annex such correctional center pursuant to the provisions of this section if the correctional center is along a road or highway within two miles from the existing boundaries of the city, town or village.

2. (1) When a verified petition, requesting annexation and signed by the owners of all fee interests of record in all tracts of real property located within the area proposed to be annexed, or a request for annexation signed under the authority of the governing body of any common interest community and approved by a majority vote of unit owners located within the area proposed to be annexed is presented to the governing body of the city, town or village, the governing body shall hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the petition is received, and the hearing shall be held not less than seven days after notice of the hearing is published in a newspaper of general circulation qualified to publish legal matters and located within the boundary of the petitioned city, town or village. If no such newspaper exists within the boundary of such city, town or village, then the notice shall be published in the qualified newspaper nearest the petitioned city, town or village. For the purposes of this subdivision, the term “common-interest community” shall mean a condominium as said term is used in chapter 448, RSMo, or a common-interest community, a cooperative, or a planned community.

(a) A “common-interest community” shall be defined as real property with respect to which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes, insurance premiums, maintenance or improvement of other real property described in a declaration. “Ownership of a unit” does not include a leasehold interest of less than twenty years in a unit, including renewal options;

(b) A “cooperative” shall be defined as a common-interest community in which the real property is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit;

(c) A “planned community” a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

(2) At the public hearing any interested person, corporation or political subdivision may present evidence regarding the proposed annexation. If, after holding the hearing, the governing body of the city, town or village determines that the annexation is reasonable and necessary to the proper development of the city, town or village, and the city, town or village has the ability to furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without further action.

(3) If a written objection to the proposed annexation is filed with the governing body of the city, town or village not later than fourteen days after the public hearing by at least [two] **eight** percent of the qualified voters of the city, town or village, or two qualified voters of the area sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to 71.920, shall be followed.

3. If no objection is filed, the city, town or village shall extend its limits by ordinance to include such territory, specifying with accuracy the new boundary lines to which the city's, town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or village shall cause three certified copies of the same to be filed

with the clerk of the county wherein the city, town or village is located, and one certified copy to be filed with the election authority, if different from the clerk of the county which has jurisdiction over the area being annexed, whereupon the annexation shall be complete and final and thereafter all courts of this state shall take judicial notice of the limits of that city, town or village as so extended.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 29

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 11, Section 50.343, Lines 3-10 of said page, by striking all of said lines; and

Further amend said bill, Page 169, Section 190.010, Lines 11 to 23 of said page, by striking said lines and inserting in lieu thereof the following:

“implied. **The territory contained within the corporate limits of a proposed ambulance district shall not be required to be contiguous. Any territory which is non-contiguous within a proposed district must be located so that least a portion of the territory lies within five miles of any other portion of the territory contained within the proposed ambulance district. Notwithstanding the provisions of subsection 2 of section 190.015,** an ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties; except, that the provisions of sections 190.001 to 190.090 are not effective in counties having a population of more than four hundred thousand inhabitants at the time the ambulance district is formed. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. Ambulance districts”;

Further amend said bill, Page 200, Section 245.205, Line 3 of said page, by inserting after all of said line the following:

“246.005. **1. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.**

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections 242.010 to 242.690, RSMo, or sections 245.010 to 245.280, RSMo, shall have five years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions.”; and

Further amend said bill, Page 260, Section B, Line 28 of said line, by inserting after “infrastructure” the following:

“and because immediate action is necessary to ensure continuation of services in a drainage or levee district after corporate dissolution, the repeal and reenactment of section 246.005 and”; and further line 32 of said page, by inserting after “constitution,” the following: “the repeal and reenactment of section 246.005”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 30

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 118, Section 105.711, Line 18, by inserting an opening bracket “[“ before the word “or”; and

Further amend said line, by inserting a closing bracket “]” after the word “jails”; and

Further amend said line, by inserting the following after the word “basis”:

“, and any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse, or other health care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who is under formal contract to provide services to patients or inmates at a county jail on a part-time basis”; and

Further amend said section, Page 119, Line 15, by striking the opening bracket “[“; and

Further amend Line 21, by striking the closing bracket “]”; and

Further amend Page 120, Line 24, by striking the opening bracket “[“; and

Further amend Page 121, Line 4, by striking the closing bracket “]”; and

Further amend Line 22, by striking the opening bracket “[“; and

Further amend Page 122, Line 2, by striking the closing bracket “]”; and

Further amend Line 3, by striking the opening and closing brackets and all the underlined words; and

Further amend Line 5, by striking the opening and closing brackets and all the underlined words; and

Further amend Line 11, by striking the opening bracket “[“; and

Further amend Line 19, by striking the closing bracket “]” and all the underlined words; and

Further amend Lines 20-22, by striking all of said lines from the bill; and

Further amend Page 125, Lines 7-20, by striking all of the underlined words from the bill; and

Further amend Page 126, Lines 9-14, by striking all of the underlined words from the bill.

Senate Amendment No. 31

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 19, Section 54.280, Line 23, by striking the word “four” and inserting in lieu thereof the word **“five”**; and

Further amend said section, said page, Line 26, by striking the word “four” and inserting in lieu thereof the word **“five”**; and

Further amend said section, said page, Line 27, by striking the word “seven” and inserting in lieu thereof the word **“nine”**; and

Further amend said line, by striking the word “three-fourths” and inserting in lieu thereof the word **“one-half”**; and

Further amend said section, Page 20, Line 2, by striking the word “seven” and inserting in lieu thereof the word **“nine”**; and

Further amend said section, said page, Line 3, by striking the word “ten” and inserting in lieu thereof the word **“thirteen”**; and

Further amend said line, by striking the words “and one-half”; and

Further amend said section, said page, Lines 5-8, by striking all of said lines; and

Further renumber the remaining subdivision accordingly; and

Further amend said page, Line 11, by striking the word “two” and inserting in lieu thereof the words “**one and one-half**”.

Senate Amendment No. 32

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 240, Section 488.2220, Line 16, by inserting immediately after said line the following:

“537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that the property was in dangerous condition at the time of the injury, that the injury directly resulted from the dangerous condition, that the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred, and that either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, which was designed and constructed prior to September 12, 1977, the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed.

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term “public entity” as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. [Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multistate compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances.]”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 33

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 33, Section 67.055, Line 9, by inserting after all of said line the following:

“67.459. The portion of the cost of any improvement to be assessed against the real property in a neighborhood improvement district shall be apportioned against such property in accordance with the benefits accruing thereto by reasons of such improvement. The cost may be assessed equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the governing body of the city or county which results in imposing substantially equal burdens or share of the cost upon property similarly benefitted **and which may include, in the case of condominium or equitable owner association ownership, a determination that all units within the condominium or equitable owner association are equally benefitted.** The governing body of the city or county may from time to time determine and establish by ordinance or resolution reasonable general classifications and formulae for the methods of assessing the benefits.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 35

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 255, Section 7, Line 6 of said page, by inserting after all of said line the following:

“Section 8. If a group within any county with a charter form of government and with more than one million inhabitants desires to form a subdistrict within the transportation development district, such subdistrict may capture revenues derived from the transportation sales tax imposed under section 94.660, RSMo. In order to create a subdistrict, a petition to form such subdistrict must be approved at the discretion of the Missouri department of transportation highway transportation commission.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 36

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 126, Section 105.711, Line 27 of said page, by inserting immediately after said line the following:

“115.013. As used in this chapter, unless the context clearly implies otherwise, the following terms mean:

- (1) “Automatic tabulating equipment”, the apparatus necessary to examine and automatically count votes, and the data processing machines which are used for counting votes and tabulating results;
- (2) “Ballot”, the ballot card, paper ballot or ballot designed for use with an electronic voting system on which each voter may cast all votes to which he or she is entitled at an election;
- (3) “Ballot card”, a ballot which is voted by making a punch or sensor mark which can be tabulated by automatic tabulating equipment;
- (4) “Ballot label”, the card, paper, booklet, page or other material containing the names of all offices and candidates and statements of all questions to be voted on;
- (5) “Counting location”, a location selected by the election authority for the automatic processing or counting, or both, of ballots;
- (6) “County”, any one of the several counties of this state or the City of St. Louis;
- (7) “Disqualified”, a determination made by a court of competent jurisdiction, the Missouri ethics commission, an election authority or any other body authorized by law to make such a determination that a candidate is ineligible to hold office or not entitled to be voted on for office;
- (8) “District”, an area within the state or within a political subdivision of the state from which a person is elected to represent the area on a policy-making body with representatives of other areas in the state or political subdivision;
- (9) “Electronic voting system”, a system of casting votes by use of marking devices, and counting votes by use of automatic tabulating or data processing equipment, and includes computerized voting systems;

(10) “Established political party” for the state, a political party which, at either of the last two general elections, polled for its candidate for any statewide office, more than two percent of the entire vote cast for the office. “Established political party” for any district or political subdivision shall mean a political party which polled more than two percent of the entire vote cast at either of the last two elections in which the district or political subdivision voted as a unit for the election of officers or representatives to serve its area;

(11) “Federal office”, the office of presidential elector, United States senator, or representative in Congress;

(12) “Independent”, a candidate who is not a candidate of any political party and who is running for an office for which party candidates may run;

(13) “Major political party”, the political party whose candidates received the highest or second highest number of votes at the last general election;

(14) “Marking device”, either an apparatus in which ballots are inserted and voted by use of a punch apparatus, or any approved device which will enable the votes to be counted by automatic tabulating equipment;

(15) “Municipal” or “municipality”, a city, village, or incorporated town of this state;

(16) “New party”, any political group which has filed a valid petition and is entitled to place its list of candidates on the ballot at the next general or special election;

(17) “Nonpartisan”, a candidate who is not a candidate of any political party and who is running for an office for which party candidates may not run;

(18) “Political party”, any established political party and any new party;

(19) “Political subdivision”, a county, city, town, village, or township of a township organization county;

(20) “Polling place”, the voting place designated for all voters residing in one or more precincts for any election;

(21) “Precincts”, the geographical areas into which the election authority divides its jurisdiction for the purpose of conducting elections;

(22) “Public office”, any office established by constitution, statute or charter and any employment under the United States, the state of Missouri, or any political subdivision or special district, but does not include any office in the reserve forces or the national guard or the office of notary public **or city attorney in cities of the third classification or cities of the fourth classification**;

(23) “Question”, any measure on the ballot which can be voted “YES” or “NO”;

(24) “Relative within the first degree by consanguinity or affinity”, a spouse, parent, or child of a person;

(25) “Relative within the second degree by consanguinity or affinity”, a spouse, parent, child, grandparent, brother, sister, grandchild, mother-in-law, father-in-law, daughter-in-law, or son-in-law;

(26) “Special district”, any school district, water district, fire protection district, hospital district, health center, nursing district, or other districts with taxing authority, or other district formed pursuant to the laws of Missouri to provide limited, specific services;

(27) “Special election”, elections called by any school district, water district, fire protection district, or other district formed pursuant to the laws of Missouri to provide limited, specific services; and

(28) “Voting district”, the one or more precincts within which all voters vote at a single polling place for any election.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 37

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 245.205, Line 3, by inserting immediately after said line the following:

“247.031. 1. Territory included in a district that is not being served by such district **or to which the district has not made service available**, may be detached from such district provided that there are no outstanding [general obligation or special obligation bonds] **loans** and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such [bonds] **loans** or debt is outstanding, and the written consent of the holders of such [bonds] **loans** or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such [bonds] **loans** or debt[, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached]. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated.

2. A political subdivision, municipal corporation, or a private entity shall not build, or otherwise construct, infrastructure or other facilities within the territory served by the district for the purpose of providing

water service to such territory until such time as a court issues an order granting the detachment of such territory from the district and all appeals have been exhausted. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory; if there are less than ten voters and landowners within such territory, the petition shall be signed by fifty percent or more of the voters and landowners within the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

[2.] **3.** Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF
..... COUNTY, MISSOURI
NOTICE OF THE FILING OF A PETITION FOR
TERRITORIAL DETACHMENT FROM
PUBLIC WATER SUPPLY DISTRICT NO.
OF COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:

You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the day of, 20 ..., at,m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of

..... County, Missouri

[3.] **4.** The court, for good cause shown, may continue the case or the hearing thereon from time to time until final disposition thereof.

[4.] **5.** Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

[5.] **6.** If the court approves the detachment, it shall make its order detaching the territory described in the petition from the remainder of the district, or in the event it shall find that only a portion of said territory should be detached, the court shall order such portion detached from the district. The court shall also make any changes in subdistrict boundary lines it deems necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes shall not become effective until the next annual election of a member of the board of directors.

[6.] **7.** A certified copy of the court's order shall be filed in the office of the recorder and in the office of the county clerk in each county in which any of the territory of the district prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding shall be borne by the petitioner or petitioners.

8. The provisions of this section shall apply regardless of whether the party filing the petition is an individual, municipal corporation, or a political subdivision.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 38

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 200, Section 247.060, Line 21 of said page, by inserting after "2." the following:

"After notification by certified mail that he or she has two consecutive unexcused absences, any member of the board failing to attend the meetings of the board for three consecutive regular meetings, unless excused by the board for reasons satisfactory to the board, shall be deemed to have vacated the seat, and the secretary of the board shall certify that fact to the board. The vacancy shall be filled as other vacancies occurring in the board. 3."

Senate Amendment No. 39

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 58, Page 230, Section 349.045, Line 26 of said page, by inserting immediately after all of said line the following:

“441.1009. No person shall rent or offer for rent or sale any mobile home that does not conform to the sanitation, housing, and health codes of the state or of the county or municipality in which the mobile home is located. No person shall rent or offer for rent any lot in a mobile home park that does not conform to subdivision ordinances of the county or municipality in which the mobile home park is located.”; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 174**.

HOUSE BILL WITH SENATE AMENDMENTS

SS SCS HCS HB 58, as amended, relating to local government, was taken up by Representative Johnson (47).

Representative Johnson (47) moved that the House refuse to adopt **SS SCS HCS HB 58, as amended**, and request the Senate to recede from its position and, failing to do so, grant the House a conference.

Which motion was adopted.

COMMITTEE REPORTS

Committee on Local Government, Chairman Johnson (47) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **SS SB 402**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Retirement, Chairman Smith (118) reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **SCR 13**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Amendment No. 1**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

House Committee Amendment No. 1

AMEND Senate Concurrent Resolution No. 13, Page 2, Line 27, after the words “(6) Colonel of the Missouri State Highway Patrol;” delete the word, “and”; and

Further amend said line, by inserting immediately after all of said line the following:

“(7) One member of the House of Representatives appointed by the House of Representatives minority floor leader and one member of the Senate appointed by the Senate minority floor leader; and”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Special Committee on General Laws, Chairman Roark reporting:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **SCS SCR 6**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on General Laws, to which was referred **SCS SCR 8**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Special Committee on General Laws, to which was referred **SCR 15**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SCS SB 196**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Ways and Means, to which was returned **HCS SS SB 362**, begs leave to report it has examined the same and recommends that the **House Committee Substitute No. 2 Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **SB 86**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 144**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **SB 257**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS SS SCS SB 287**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SS SCS SB 144 - Fiscal Review (Fiscal Note)

HCS SS SCS SB 287 - Fiscal Review (Fiscal Note)

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 6** and has taken up and passed **CCS SCS HCS HB 6**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 7**, as **amended**, and has taken up and passed **CCS SCS HCS HB 7**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 8**, as **amended**, and has taken up and passed **CCS SCS HCS HB 8**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 9** and has taken up and passed **CCS SCS HCS HB 9**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 10**, as **amended**, and has taken up and passed **CCS SCS HCS HB 10**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 11, as amended**, and has taken up and passed **CCS SCS HCS HB 11**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 12, as amended**, and has taken up and passed **CCS SCS HB 12**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HB 13**, and has taken up and passed **CCS SCS HB 13**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 15**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 18**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HB 487**, entitled:

An act to repeal sections 8.177, 43.530, 136.055, 144.025, 168.133, 260.218, 300.330, 301.010, 301.020, 301.025, 301.129, 301.190, 301.215, 301.290, 301.300, 301.301, 302.177, 302.510, 302.530, 302.735, 304.022, 304.155, 307.180, 577.041, RSMo, section 301.130 as enacted by house substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 301.130 as enacted by senate committee substitute for house bill no. 491, ninety-second general assembly, first regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969 merged with house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, section 302.272 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 1453 merged with conference committee substitute for house substitute for house committee substitute for senate substitute for senate committee substitute for senate bill no. 968 and senate substitute for senate bill no. 969, ninety-second general assembly, second regular session, and to enact in lieu thereof thirty-six new sections relating to motor vehicles, with penalty provisions and an emergency clause for certain sections.

With Senate Amendment No. 1, Senate Amendment No. 2, Senate Amendment No. 3 and Senate Amendment No. 4.

Senate Amendment No. 1

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 69, Section 301.894, Lines 2-3 of said page, by striking all of said lines and inserting in lieu thereof the following:

“certificate of title, provided such dealer complies with the following:”.

Senate Amendment No. 2

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 4, Section 8.177, Line 4 of said page, by inserting after “the” as it appears the second time the following: “state”.

Senate Amendment No. 3

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 11, Section 136.055, Line 1 of said page, by inserting after all of said line the following:

- “137.100. The following subjects are exempt from taxation for state, county or local purposes:
- (1) Lands and other property belonging to this state;
 - (2) Lands and other property belonging to any city, county or other political subdivision in this state, including market houses, town halls and other public structures, with their furniture and equipments, and on public squares and lots kept open for health, use or ornament;
 - (3) Nonprofit cemeteries;
 - (4) The real estate and tangible personal property which is used exclusively for agricultural or horticultural societies organized in this state, including not-for-profit agribusiness associations;
 - (5) All property, real and personal, actually and regularly used exclusively for religious worship, for schools and colleges, or for purposes purely charitable and not held for private or corporate profit, except that the exemption herein granted does not include real property not actually used or occupied for the purpose of the organization but held or used as investment even though the income or rentals received therefrom is used wholly for religious, educational or charitable purposes;
 - (6) Household goods, furniture, wearing apparel and articles of personal use and adornment, as defined by the state tax commission, owned and used by a person in his home or dwelling place;
 - (7) Motor vehicles leased for a period of at least one year to this state or to any city, county, or political subdivision, **or to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided the motor vehicles are used exclusively for religious, educational, or charitable purposes;** and
 - (8) Real or personal property leased or otherwise transferred by an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, to another for which or whom such property is not exempt when immediately after the lease or transfer, the interstate compact agency enters into a leaseback or other agreement that directly or indirectly gives such interstate compact agency a right to use, control, and possess the property; provided, however, that in the event of a conveyance of such property, the interstate compact agency must retain an option to purchase the property at a future date or, within the limitations period for reversioners, the property must revert back to the interstate compact agency. Property will no longer be exempt under this subdivision in the event of a conveyance as of the date, if any, when:
 - (a) The right of the interstate compact agency to use, control, and possess the property is terminated;
 - (b) The interstate compact agency no longer has an option to purchase or otherwise acquire the property; and
 - (c) There are no provisions for reverter of the property within the limitation period for reversioners.”; and

Further amend the title and enacting clause accordingly.

Senate Amendment No. 4

AMEND Senate Substitute for Senate Committee Substitute for House Bill No. 487, Page 68, Section 301.302, Line 6 of said page, by inserting immediately after said line the following:

- “301.567. 1. For purposes of this section, a violation of any of the following advertising standards shall be deemed an attempt by the advertising dealer to obtain a fee or other compensation by fraud, deception or misrepresentation in violation of section 301.562:
- (1) A motor vehicle shall not be advertised as new, either by express terms or implication, unless it is a “new motor vehicle” as defined in section 301.550;
 - (2) When advertising any motor vehicle which is not a new motor vehicle, such advertisement must expressly identify that the motor vehicle is a used motor vehicle by express use of the term “used”, or by such other term as is commonly understood to mean that the vehicle is used;

(3) Any terms, conditions, and disclaimers relating to the advertised motor vehicle's price or financing options shall be stated clearly and conspicuously. An asterisk or other reference symbol may be used to point to a disclaimer or other information, but not be used as a means of contradicting or changing the meaning of an advertised statement;

(4) The expiration date, if any, of an advertised sale or vehicle price shall be clearly and conspicuously disclosed. In the absence of such disclosure, the advertised sale or vehicle price shall be deemed effective so long as such vehicles remain in the advertising dealership's inventory;

(5) The terms "list price", "sticker price", or "suggested retail price" shall be used only in reference to the manufacturer's suggested retail price for new motor vehicles, and, if used, shall be accompanied by a clear and conspicuous disclosure that such terms represent the "manufacturer's suggested retail price" of the advertised vehicle;

(6) Terms such as "at cost", "\$..... above cost" shall not be used in advertisements because of the difficulty in determining a dealer's actual net cost at the time of the sale. Terms such as "invoice price", "\$..... over invoice" may be used, provided that the invoice referred to is the manufacturer's factory invoice for a new motor vehicle and the invoice is available for customer inspection. For purposes of this section, "manufacturer's factory invoice" means that document supplied by the manufacturer to the dealer listing the manufacturer's charge to the dealer before any deduction for holdback, group advertising, factory incentives or rebates, or any governmental charges;

(7) When the price or financing terms of a motor vehicle are advertised, the vehicle shall be fully identified as to year, make, and model. In addition, in advertisements placed by individual dealers and not line-make marketing groups, the advertised price or credit terms shall include all charges which the buyer must pay to the dealer, except buyer-selected options and state and local taxes. If a processing fee or freight or destination charges are not included in the advertised price, the amount of any such processing fee and freight or destination charge must be clearly and conspicuously disclosed within the advertisement;

(8) Advertisements which offer to match or better any competitors' prices shall not be used;

(9) Advertisements of "dealer rebates" shall not be used, however, this shall not be deemed to prohibit the advertising of manufacturer rebates, so long as all material terms of such rebates are clearly and conspicuously disclosed;

(10) "Free", "at no cost" shall not be used if any purchase is required to qualify for the "free" item, merchandise, or service;

(11) "Bait advertising", in which an advertiser may have no intention to sell at the prices or terms advertised, shall not be used. Bait advertising shall include, but not be limited to, the following examples:

(a) Not having available for sale the advertised motor vehicles at the advertised prices. If a specific vehicle is advertised, the dealer shall be in possession of a reasonable supply of such vehicles, and they shall be available at the advertised price. If the advertised vehicle is available only in limited numbers or only by order, such limitations shall be stated in the advertisement;

(b) Advertising a motor vehicle at a specified price, including such terms as "as low as \$.....", but having available for sale only vehicles equipped with dealer-added cost options which increase the selling price above the advertised price;

(12) Any reference to monthly payments, down payments, or other reference to financing or leasing information shall be accompanied by a clear and conspicuous disclosure of the following:

(a) Whether the payment or other information relates to a financing or a lease transaction;

(b) If the payment or other information relates to a financing transaction, the minimum down payment, annual percentage interest rate, and number of payments necessary to obtain the advertised payment amount must be disclosed, in addition to any special qualifications required for obtaining the advertised terms including, but not limited to, "first-time buyer" discounts, "college graduate" discounts, and a statement concerning whether the advertised terms are subject to credit approval;

(c) If the payment or other information relates to a lease transaction, the total amount due from the purchaser at signing with such costs broken down and identified by category, lease term expressed in number of months, whether the lease is closed-end or open-end, and total cost to the lessee over the lease term in dollars;

(13) Any advertisement which states or implies that the advertising dealer has a special arrangement or relationship with the distributor or manufacturer, as compared to similarly situated dealers, shall not be used;

(14) Any advertisement which, in the circumstances under which it is made or applied, is false, deceptive, or misleading shall not be used;

(15) No abbreviations for industry words or phrases shall be used in any advertisement unless such abbreviations are accompanied by the fully spelled or spoken words or phrases.

2. The requirements of this section shall apply regardless of whether a dealer advertises by means of print, broadcast, or electronic media, or direct mail. **If the advertisement is by means of a broadcast or print media, a dealer may provide the disclaimers and disclosures required under subdivision (3) of subsection 1 of this section**

by reference to an Internet web page or toll-free telephone number containing the information required to be disclosed.

3. Dealers shall clearly and conspicuously identify themselves in each advertisement by use of a dealership name which complies with subsection 6 of section 301.560.”; and

Further amend the title and enacting clause accordingly.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 576**, entitled:

An act to repeal sections 536.010, 536.050, 536.100, 536.140, 536.300, 536.305, and 536.310, RSMo, and to enact in lieu thereof eleven new sections relating to small business.

With Senate Committee Amendment No. 1.

Senate Committee Amendment No. 1

AMEND House Committee Substitute for House Bill No. 576, Page 3, Section 536.050, Line 21, by striking "sections 536.300 and" and inserting in lieu thereof the following:

"section 536.300 or"; and

Further amend said bill, Page 5, Section 536.100, Line 9, by inserting after the word "agency" the following:

", other than the administrative hearing commission or any board established to provide independent review of the decisions of a department or division that is authorized to promulgate rules and regulations under this chapter,"; and

Further amend said bill, Page 5, Section 536.100, Line 16, by inserting after "536.140" following:

"or other provision for judicial review provided by statute"; and

Further amend the title and enacting clause accordingly.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 700**.

COMMUNICATION

May 5, 2005

Mr. Stephen Davis
Chief Clerk
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Davis:

We, the undersigned members of the Missouri House of Representatives, pursuant to the Missouri Constitution, Article III, Section 22, and House Rule 34, hereby relieve the House Insurance Policy Committee of **House Bill No. 846** and request that it be placed upon the House Calendar for consideration.

Sincerely,

/s/ Sam Page (82)	/s/ Judy Baker (25)
/s/ J.C. Kuessner (152)	/s/ Tim Meadows (101)
/s/ Rachel Storch (64)	/s/ Jeff Roorda (102)
/s/ Wes Shoemyer (9)	/s/ Jeanette Mott Oxford (59)
/s/ Brad Robinson (107)	/s/ Joe Aull (26)
/s/ Beth Low (39)	/s/ Ed Wildberger (27)
/s/ Clint Zweifel (78)	/s/ Ray Salva (51)
/s/ Jim Whorton (3)	/s/ Sara Lampe (138)
/s/ John Burnett (40)	/s/ Belinda Harris (110)
/s/ Jenee' Lowe (44)	/s/ Michael Brown (50)
/s/ Margaret Donnelly (73)	/s/ Leonard "Jonas" Hughes (42)
/s/ Michael G. Corcoran (77)	/s/ Patricia M. Yaeger (96)
/s/ Sue Schoemehl (100)	/s/ Fred Kratky (65)
/s/ Paul LeVota (52)	/s/ Curt Dougherty (53)
/s/ Terry L. Witte (10)	/s/ Theodore Hoskins (80)
/s/ Michael Vogt (66)	/s/ Kate Meiners (46)
/s/ Rick Johnson (90)	/s/ Craig Bland (43)
/s/ Terry Swinger (162)	/s/ Harold R. Selby (105)
/s/ Wayne J. Henke (11)	/s/ John L. Bowman (70)
/s/ Robin Wright-Jones (63)	/s/ Terry Young (49)
/s/ Gina Walsh (69)	/s/ Trent Skaggs (31)
/s/ Barbara Fraser (83)	/s/ Melba J. Curls (41)
/s/ Al Liese (79)	/s/ Rodney R. Hubbard (58)
/s/ Rachel Bringer (6)	/s/ Cathy Jolly (45)
/s/ Martin T. Rucker (29)	/s/ Thomas George (74)
/s/ R.W. Casey (103)	/s/ Esther Haywood (71)
/s/ Sharon Sanders Brooks (37)	/s/ Bruce Darrough (75)
/s/ Connie Johnson (61)	/s/ Wes Wagner (104)

ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Friday, May 6, 2005.

COMMITTEE MEETINGS

CHILDREN AND FAMILIES

Monday, May 9, 2005, 12:00 p.m. Hearing Room 1.

Executive session may follow. AMENDED

Public hearing to be held on: SS SCS SB 2

CONFERENCE COMMITTEE NOTICE

Friday, May 6, 2005, 9:00 a.m. Senate Lounge. CANCELLED
Public hearings to be held on: CCS SCS HB 1, CCS SCS HCS HB 2,
CCS SCS HCS HB 3, CCS SCS HCS HB 4, CCS SCS HCS HB 5,
CCS SCS HCS HB 6, CCS SCS HCS HB 7, CCS SCS HCS HB 8,
CCS SCS HCS HB 9, CCS SCS HCS HB 10, CCS SCS HCS HB 11,
CCS SCS HB 12, CCS SCS HB 13

CRIME PREVENTION AND PUBLIC SAFETY

Monday, May 9, 2005, Hearing Room 6 upon afternoon adjournment.
Executive session.

FISCAL REVIEW

Friday, May 6, 2005, 9:00 a.m. Hearing Room 4.
Executive session on any bills or matters referred to the Fiscal Review Committee. CANCELLED

FISCAL REVIEW

Tuesday, May 10, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

FISCAL REVIEW

Wednesday, May 11, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

FISCAL REVIEW

Thursday, May 12, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

FISCAL REVIEW

Friday, May 13, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

RULES

Monday, May 9, 2005, 11:00 a.m. Hearing Room 4.
Executive session may follow.
Public hearings to be held on: HR 1176, HCS#2 SS SB 362,
SCR 15, HCS SS SB 402, SCS SCR 8, SCS SCR 6,
HCS SCS SB 196, SCR 13, SB 534

VETERANS

Monday, May 9, 2005, Hearing Room 5 upon afternoon adjournment.
Executive session will follow.
Public hearing to be held on: SJR 19

HOUSE CALENDAR

SEVENTIETH DAY, FRIDAY, MAY 6, 2005

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 12 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 628 - Byrd
- 2 HCS HB 255 - Cunningham (86)
- 3 HCS HB 387 - Byrd
- 4 HB 572 - Stevenson
- 5 HCS HB 853 - Loehner
- 6 HB 291, as amended - Cooper (155)
- 7 HCS HB 272 - Pratt
- 8 HB 721 - Flook
- 9 HCS HB 671 - Sutherland
- 10 HCS HB 804 - Smith (118)
- 11 HB 679 - Kraus
- 12 HCS HB 742 - Bearden
- 13 HCS HB 854 - Richard
- 14 HCS HB 924 - Wallace
- 15 HCS HB 231 - Portwood
- 16 HCS#2 HB 586 - Sander
- 17 HCS HB 591, 210, 377, 760 & 777, HA 1 to HA 1, and HA 1, pending - Schlottach
- 18 HB 784 - Meadows
- 19 HB 633 - Lipke
- 20 HCS HB 430 - Shoemyer
- 21 HCS HB 490 - Daus
- 22 HCS HB 491, Part I, Part II, Part III, pending - McGhee
- 23 HCS HB 549 - Fraser
- 24 HCS HB 552 - Ervin
- 25 HCS HB 660 - Schlottach
- 26 HCS HB 842 & 831 - Brooks
- 27 HB 875 - Moore
- 28 HCS#2 HB 131 - Schaaf
- 29 HB 925 - Salva
- 30 HCS HB 948 - Cooper (158)

HOUSE BILL FOR PERFECTION - INFORMAL

HCS HB 639, as amended - Hoskins

HOUSE BILLS FOR THIRD READING

- 1 HB 375 - Nance
- 2 HCS HB 532 - Spreng
- 3 HB 952, E.C. - Icet
- 4 HCS HB 859 - Jetton

HOUSE BILL FOR THIRD READING - CONSENT

HCS HB 508, E.C. - Pratt

SENATE CONCURRENT RESOLUTION

SCR 2, (3-02-05, Pages 470-471) - Sander

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 222 - Sutherland
- 2 SB 480, HPA 1, pending - Kraus
- 3 SB 518 - Cooper (155)
- 4 SCS SB 6 - Lager
- 5 HCS SB 38 - Ruestman
- 6 SB 122 - Wright (137)
- 7 SB 162 - Cooper (155)
- 8 HCS SB 174, E.C. - Bruns
- 9 HCS SB 177 - Behnen
- 10 HCS SCS SB 182 - Rector
- 11 SB 209 - Pearce
- 12 HCS SB 216 - Goodman
- 13 SCS SB 227 - Kuessner
- 14 HCS SCS SB 238 - Faith
- 15 SCS SB 247 - Bruns
- 16 SB 265 - Wood
- 17 SB 288 - Lager
- 18 SB 304 - Ervin
- 19 HCS SB 308 - Pollock
- 20 SB 317 - Smith (118)
- 21 SCS SB 354 - Schlottach
- 22 SB 357 - Johnson (47)
- 23 HCS SB 364, E.C. - Franz
- 24 HCS SCS SB 372 - Kuessner
- 25 SCS SB 374 - Zweifel
- 26 SB 396 - Sutherland
- 27 HCS SB 401 - Lembke
- 28 SB 418 - Lipke
- 29 HCS SB 422 - Yates
- 30 HCS SCS SB 423 - Lipke

- 31 HCS SCS SB 450, E.C. - Portwood
- 32 SCS SB 496 - Kelly
- 33 SCS SB 502, E.C. - Portwood
- 34 SB 521, as amended - Cooper (158)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 70 - Richard
- 2 SB 488, HCA 1, pending - Robinson
- 3 SB 280 - Wasson
- 4 SB 286 - Kingery
- 5 SB 479 - May
- 6 SB 526 - Cunningham (145)
- 7 SB 180 - Cooper (158)
- 8 HCS SCS SB 260 - Baker (123)
- 9 SB 268 - Byrd
- 10 SB 274 - Richard
- 11 SS SCS SB 346 - Ruestman
- 12 HCS SS SB 95 - Hubbard
- 13 HCS SB 99 - Wood
- 14 SB 141 - Richard
- 15 HCS SS SCS SB 168 - Pratt
- 16 HCS SB 173 - Hobbs
- 17 HCS SB 187 - Guest
- 18 HCS SB 192 - Robinson
- 19 HCS SCS SBs 221, 250 & 256 - St. Onge
- 20 SB 232, HCA 1 - Bivins
- 21 SCS SB 310 - Dixon
- 22 HCS SCS SB 319 - Roark
- 23 HCS SS SB 343 - Richard
- 24 SB 361 - Nance
- 25 SB 380 - Cunningham (86)
- 26 HCS SCS SBs 420 & 344, (2 hours debate on Third Reading) - Byrd
- 27 SB 431, E.C. - Sutherland
- 28 SCS SBs 23 & 51 - Lipke
- 29 HCS SS SCS SBs 74 & 49, E.C. - Cooper (155)
- 30 HCS SCS SB 161 - Chinn
- 31 HCS SS#2 SCS SB 225, E.C. - Hobbs
- 32 SB 254 - Tilley
- 33 HCS SCS SB 262 - Johnson (47)
- 34 HCS SCS SB 272 - Dempsey
- 35 HCS SCS SB 355, E.C. - Loehner
- 36 SB 358 - Richard
- 37 HCS SS SCS SB 462, E.C. - Schad
- 38 HCS SCS SB 500 - Lager
- 39 HCS SCS SB 57 - Wilson (130)
- 40 HCS SB 194 - Kraus

- 41 HCS SCS SB 233 - Nance
- 42 HCS SCS SB 468 - Icet
- 43 HCS#2 SB 123 - Byrd
- 44 HCS SS SCS SB 144, (Fiscal Review 5-05-05) - Byrd
- 45 HCS#2 SB 165 - Byrd
- 46 HCS SS SCS SB 287, (Fiscal Review 5-05-05) - Baker (123)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 47, E.C. - Brown (30)
- 2 SCS HB 678, as amended - Byrd
- 3 SCS HB 707 - Cunningham (145)
- 4 SCS HCS HB 515 - Wood
- 5 SCS HB 638 - Cunningham (86)
- 6 SCS HB 685, E.C. - Franz
- 7 SCS HB 361 & HB 684 - Lipke
- 8 SCS HB 688 - Byrd
- 9 HCS HB 630, SPA 1 - Pollock
- 10 SCS HCS HB 362 - Lipke
- 11 SCS HB 456 - Kuessner
- 12 SCS HB 450 - Meiners
- 13 SCS HB 53 - Swinger
- 14 SCS HB 423 - Kuessner
- 15 SS SCS HCS HB 441, E.C. - Lipke
- 16 SCS HB 528 - Cunningham (145)
- 17 SCS HB 618 - Bearden
- 18 SCS HCS HB 297 - Pearce
- 19 SCS HCS HB 443 - Sander
- 20 SCS HCS#2 HB 232 - Portwood
- 21 SCS HB 229 - Portwood
- 22 HCS HB 525, SSA 1 for SA 1, SA 3 & SA 6 - May
- 23 HCS HB 576, SCA 1 - Flook
- 24 SS SCS HB 487, as amended, E.C. - Bruns

BILL CARRYING REQUEST MESSAGE

- SS SCS HCS HB 58, as amended (request Senate recede/grant conference), E.C. - Johnson (47)

BILLS IN CONFERENCE

- 1 HCS SS SCS SB 210, as amended - Johnson (47)
- 2 HCS SCS#2 SB 155, as amended - Kingery

HOUSE CONCURRENT RESOLUTIONS

- 1 HCS HCR 25, (3-10-05, Pages 588-589) - Schlottach
- 2 HCR 22, (4-20-05, Page 1171) - Bivins
- 3 HCR 33, (4-20-05, Pages 1171-1172) - Jetton

HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION

- 1 HCR 14, (4-26-05, Pages 1277-1278) - Zweifel
- 2 HJR 23 - Emery
- 3 HB 846 - Page